

**The London School of Economics and Political
Science**

*The impact of the Central and Eastern European EU
member states on the EU's foreign policy, 2004 to 2013*

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Relations of the London School of Economics for the
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Abstract

Prior to the EU's Eastern enlargement in 2004 there was much academic speculation about its repercussions for EU foreign policy. Although scholars agreed that the eight newcomers from Central and Eastern Europe would have an impact on the EU's foreign policy, it remained unclear how and to what extent they would do so.

This thesis identifies and evaluates the impact of the CEECs on the substance of EU foreign policy in three areas including development cooperation, neighbourhood policy and energy security. It analyses why the CEECs have sometimes succeeded in having an impact and at other times not. It differentiates between three categories of the CEECs' impact (defensive, divisive and innovative) as well as three aspects of policy substance (regional coverage, policy objectives and principles and policy instruments). The CEECs' impact varies along the three areas and the different stages of the policy-making process. In long-standing traditional areas such as development cooperation, it has been largely defensive and limited to soft law instruments while in regional or emerging areas such as neighbourhood policy and energy security the CEECs' impact has been higher as well as innovative and/or divisive. To analyse why the CEECs' impact varies from case to case, the thesis draws on insights from the literature on EU (foreign) policy-making and on small states in EU foreign policy. Three sources of impact (material, institutional and ideational) are systematically applied to selected in-depth case studies in each of the three EU foreign policy areas. The thesis concludes that ideational and/or institutional factors are crucial for member states' impact at the agenda-setting stage whereas at the decision-making stage material sources of impact prevail. In order to have impact at the decision-making stage the CEECs need the support of at least two large 'old' EU member states.

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Chapter 1

Introduction

1. Introduction

Prior to the 'big bang' enlargement in 2004, when ten countries including eight from Central and Eastern Europe acceded to the European Union (EU), there was much academic speculation about the role and impact of the new EU member states (EU-8/CEECs) on the EU's foreign policy in terms of both the policy-making process and policy substance (see, for example, Müller-Brandeck-Boucquet 2002 and 2006; Cameron/Primatarova 2003; Missiroli 2002; Duke 2004). EU foreign policy is defined here as comprising both the EC's external relations with third countries or the so-called Community foreign policy and the Common Foreign and Security Policy (CFSP) of the EU (White 2004: 54).

There was uncertainty among scholars and practitioners about the repercussions of the Eastern enlargement on the Union's foreign policy-making process. It was assumed that due to the greater number of member states and the greater diversity of interests, it would become more difficult for the EU member states to reach an agreement (Edwards 2006: 155). Some even feared that Eastern enlargement could lead to deadlock in EU foreign policy-making (Sjursen 1999: 17). The Eastern enlargement presented a unique challenge to the EU and its foreign policy due to the sheer number of accession states, their diversity in terms of size, their foreign policy preferences, the extent of their 'Atlanticism', and political and administrative capacity (Král 2005: 13). According to Ekengren and Engelbrekt it was 'far more than anything previously attempted' and made all predictions of the Union's future foreign policy very difficult (2005: 2). The concern that Eastern enlargement would bring the EU's foreign policy-making to a halt was heightened when the prospective Eastern EU member states signed the 'Letter of Eight' and aligned themselves with the US and its decision to invade Iraq, reinforcing their reputation as inveterate 'Atlanticists' (Lang 2003: 5).

Although it was undisputed amongst scholars that 'new members [would] bring new "substance" to the European Union (EU) in terms of areas of interest,

history, geography, [...] and political positions' it remained unclear how and to what extent the new Eastern member states would do so (Ekengren/Engelbrekt 2005: 2). Scholars such as Duleba came to the conclusion that '[t]he EU-25/27 simply cannot have the same foreign policy as the EU15 had', without further specifying how the new Eastern members would change the EU's foreign policy (2007: 1). Others such as Cohen (2007) or Valasek and Gyarfasova (2004) wondered whether the Eastern enlargement would result in an 'Easternization' of EU foreign policy, shifting its centre of gravity Eastwards. Shepherd defined five areas where the new EU member states would challenge the foreign policy positions of the 'old' member states, including relations with the US and NATO, Russia, regional priorities, and the nature of security (2007: 21ff.). Owing to their geographic location bordering Russia, and their strained relations with that country stemming from their historical experiences under Soviet rule, the prospective member states were expected to impinge in particular upon the EU's policy towards Russia (Ilves 2005: 197; also Fawn 2009: 1801). Furthermore, it was assumed that they would actively promote democracy and prosperity in their Eastern neighbourhood and push for the development of a distinct and more significant European Neighbourhood Policy as they 'would feel the main effects of [such] an inadequate EU policy' most (Dangerfield 2009: 1739). However, it was unclear whether, and to what extent, they would also affect traditional and globally oriented areas of EU foreign policy such as EU development policy, crisis management or the EU's policy towards the Middle East.

While initiatives such as the Eastern Partnership, the establishment of a European Nuclear Energy Forum or the 'energy solidarity' clause in the Lisbon Treaty indicate that the Eastern newcomers have succeeded in shaping EU foreign policy according to their preferences, other proposals of the new EU member states such as the European Partnership for Democracy failed to gain the necessary support of other EU member states. The way the new Eastern European EU member states have tried to affect EU foreign policy has shown that they do not act as a block in EU foreign policy (Misik 2010: 115; Dangerfield 2009: 1748; Kratochvil 2007: 191). They not only differ in their expertise, the intensity of their foreign policy preferences and country preferences as regards EU foreign policy but also in terms of the impact they have on the EU's foreign policy-making process (Arregui/Thomson 2009: 673;

Kratochvil 2007: 191). Whereas Poland due to its size and self-perception as a regional power played a leading role in the EU's response to the Orange Revolution in Ukraine and the subsequent EU-Ukraine negotiations on an enhanced Association Agreement, the other Eastern newcomers tended to remain in the background¹ (Dangerfield 2009: 1748). The same applies to the Baltic States. Whereas Lithuania successfully lobbied for a Baltic Energy Interconnection Plan at the EU level in order to decrease the Baltic States' total dependency on energy imports from Russia, Latvia and Estonia took a rather passive role with regard to this initiative (Misik 2010: 116). What explains the variation in the impact of the new Eastern EU member states on the Union's foreign policy? Why do EU member states sometimes succeed in shaping EU foreign policy according to their preferences and not at other times?

2. Research questions

This thesis examines the impact of Central and Eastern European EU member states (CEECs) across three different areas of EU foreign policy: namely (1) development cooperation; (2) Eastern dimension of the European Neighbourhood Policy with a particular focus on Belarus; and (3) energy security policy. The timeframe of the study runs from 2004 to 2013. By 2013 the EU-8 countries have been members of the EU for almost a decade and that is reasonable period of time for assessing their impact on the EU's foreign policy. This thesis explores the following research questions:

- (1) What impact have the new EU member states had on the three different areas of EU foreign policy, from their accession to the present day? How and to what extent have they affected those three areas of EU foreign policy?
- (2) Why have the Eastern EU member states sometimes had an impact on EU foreign policy, and other times not?
- (3) Has the impact of the Eastern EU member states on EU foreign policy been limited to areas where they have obvious national or regional interests, or

¹ However, Dangerfield states that despite the Visegrád countries' apparently different levels of activity and commitment to the EU's Eastern policy, the policy itself has induced a kind of 'leadership competition' among them, in particular between Poland and the Czech Republic (2009: 1748).

have they also had impact on traditional, long-standing and globally-oriented areas of EU foreign policy?

In this thesis the terms 'EU-8' and 'CEECs' are used synonymously. Both refer to the eight countries from Central and Eastern Europe that joined the EU in 2004: the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia. The acronym 'EU-10' includes, in addition to the EU-8, Bulgaria and Romania. The acronym 'EU-12' covers in addition to the EU-10 also Malta and Cyprus. The abbreviation 'NMS' is used in general to refer to all those countries which acceded to the EU in 2004 or later.

This thesis treats the eight countries from Central and Eastern Europe which acceded to the EU in 2004 as a group. This approach might appear unusual and stylised at first sight. Lequesne recommends making comparisons 'between individual member states rather than between groups of member states' (2012: 275). But in the case of the EU's Eastern enlargement there are good reasons for treating these newcomers as one, admittedly loose group of countries.

While the European Community and the EU has experienced seven waves of enlargements since 1973, the 'big bang' enlargement in 2004 introduced for the first time a differentiation between the 'old' and the 'new' member states (*ibid.*: 267). These countries do not always act as a united block in EU foreign policy-making as will be demonstrated in this thesis. However in several areas of EU foreign policy such as further enlargement, transatlantic cooperation, the Eastern neighbourhood and energy security their preferences are more similar to each other than to the preferences of most EU-15 countries.

These countries' similar preferences with regard to selected aspects of EU foreign policy are the result of their geographical location, their common historical experiences and ideological past (Copsey/Haughton 2009: 265). Apart from Slovenia all of them were members of the Warsaw Pact and COMECON either on their own (Poland, Hungary and Czechoslovakia) or as members of the USSR (Latvia, Lithuania and Estonia). Except Slovenia all of them still suffer from the repression by Moscow in the period from 1939 to 1989. Within the framework of the Molotov-Ribbentrop Pact of 1939 the territory of Poland and the Baltic States was divided between Russia and Germany. The partition was followed by a Soviet annexation of Poland, Estonia, Latvia and Lithuania

(Coopsey/Haughton 2009: 278). The Baltic States had to become members of the Soviet Union. In 1956 Moscow successfully repressed the uprisings in Hungary. In 1968 it invaded Czechoslovakia (Raik/Gromadzki 2006: 26). They thus have similar historical experiences with Russia which are different from the experiences of the EU-15 countries.

Geographical proximity to Russia and to several unstable Eastern neighbourhood countries such as Belarus leads to serious security concerns of the CEECs. Five Eastern newcomers are direct neighbours of Russia with a common border (Ilves 2005: 196). Several of them form the external frontier of the EU. They are therefore prone to spillovers from an unstable, poor neighbourhood including organised crime, migration and energy supply disruptions.

As a consequence these countries' preferences in EU foreign policy are similar with regard to Russia, the Eastern neighbourhood, enlargement, EU energy security and the promotion of democracy.

In particular Poland and the Baltic States still regard Russia as a threat to their security and independence (Raik/Gromadzki 2006: 25; Shepherd 2007: 24). While Hungary, the Czech Republic and Slovakia often do not have as extreme positions on Moscow as the other Eastern newcomers, they usually advocate a harsher EU line towards Russia than most EU-15 countries. As Shepherd argues the CEECs' 'view of Russia as a potential source of instability is the key difference with the EU fifteen' (2007: 24).

The EU's policy towards the Eastern neighbourhood is often used by these countries as an 'indirect Russia policy' (Raik/Gromadzki 2006: 23). Several of the CEECs have significant minorities in Belarus and Ukraine. Due to their common border with these countries all CEECs have a strong interest in promoting democracy, the rule of law and human rights in these countries in order to ensure their political stability and prosperity (Ilves 2005: 197; Gromadzki/Raik 2006: 22). Their common communist past and transition experience 'make them more sensitive to these issues and their importance within EU foreign policy' (Král 2005: 12). While also several 'old' EU member states such as Sweden or Germany attach great importance to the Eastern neighbourhood, for the CEECs this 'regional focus is far more pressing' than for the EU-15 countries (Shepherd 2007: 25).

All of them are therefore also strong supporters of a membership perspective for Ukraine, Georgia and Moldova. On this aspect the 'OMS-NMS divide is particularly stark' (Lequesne 2012: 271). Due to their communist past the CEECs' dependency on energy imports from Russia is higher than in most EU-15 countries (Raik/Gromadzki 2006: 24).

Slovenia differs in several regards from the other CEECs. It was not a member of the Warsaw Pact but was part of the former Yugoslavia. It therefore does not share the negative experiences of the other CEECs with Russia. It has maintained closer relations with Western EU member states such as Italy and Austria rather than with the other CEECs (Král 2005: 44). Yet like the other CEECs it can draw on the experience of political and economic transition. Like the other CEECs it is mainly dependent on energy imports from Russia. It also supports a further enlargement of the EU, however with a main focus on the Western Balkans. As will be demonstrated in chapters 6 and 8 Slovenia has on several aspects of the European Neighbourhood Policy and EU energy security policy different preferences from those of the other CEECs. In these cases the thesis will clearly indicate that Slovenia did not form part of the CEECs' group.

The aspects and areas outlined above largely correspond to the areas of EU foreign policy that are analysed in this thesis. It therefore seems reasonable to treat the EU-8 as a group in these areas of EU foreign policy. Their preferences are more similar to each other than to the preferences of the EU-15 countries while it is acknowledged that the CEECs do not always act as one block.

2.1 Reasons for selecting the three areas of EU foreign policy

This thesis evaluates and analyses the impact of the CEECs on the substance of three different areas: development cooperation, the EU's Eastern Neighbourhood Policy and EU energy security policy. The selection of these three areas is based on the following general considerations. First, this study includes areas of EU foreign policy which have different regional focuses in order to examine whether the CEECs' impact has been limited to policy areas which reflect their own regional preferences and in which they can draw on their regional expertise, or if it has also reached to policy areas which are of limited regional importance to the EU-8 and in which they have limited experience.

Second, it includes a long-established foreign policy area and emerging or rather new areas of EU external action in the analysis, to make it possible to examine whether the CEECs' impact has been limited to emerging or rather new areas of EU foreign policy or if it also has reached long-established traditional areas of EU external action such as development cooperation. Third, it includes policy areas that differ in terms of the importance the CEECs attach to them. Such an approach allowed me to examine whether the CEECs' attempts to impact upon policy have been limited to areas which are of utmost importance to them, such as the EU's policy towards its Eastern neighbours, or if they also concerned policy areas which have low priority for them, such as development cooperation. With this in mind, it can be assumed that the extent of the material and ideational sources of member states' impact on which the CEECs could draw varies across these three areas.

The European Neighbourhood Policy was developed in the run-up to the EU's eastern enlargement in 2004. Although the general concept of developing structured relations with neighbouring countries is not radically new for the EU as it goes back to the Barcelona Process in 1995 which laid the foundation for the Euro-Mediterranean Partnership, 'the idea of a distinct European Neighbourhood Policy (ENP) is rather new' (Khasson et al. 2008: 217). It covers a total of 16 neighbouring countries. The ENP's main objective is to avoid the emergence of new dividing lines between the EU and its new Eastern and Southern neighbours and thereby to enhance the stability, prosperity and security in the EU's direct neighbourhood (Commission 2003b: 4). By moving further East, the EU has become increasingly prone to security risks such as illegal migration, political instabilities or conflicts spilling over from its new eastern neighbours such as Belarus, Moldova or Georgia (Ilves 2005: 199; Shepherd 2007: 25). There are several reasons why ENP constitutes an important and interesting case study for examining the impact of the new EU Eastern members on EU foreign policy. First, it is an important area to the extent that it is regarded as a key priority of the EU's external relations (Khasson et al. 2008: 236). Second, as Dangerfield argues, the role and impact of the Eastern EU member states on ENP has been widely neglected in studies of EU foreign policy despite the fact that it was their accession that made the development of a distinct EU policy for dealing with its Eastern neighbours necessary (2009: 1736). ENP also constitutes an interesting case study since

the new EU members have obvious national and regional interests and a regional advantage in terms of expertise and transition experience in this area compared to the old member states.

Missiroli and Quille state that all new Eastern EU member states have 'a strong interest in the formulation of those external policies of the enlarged union that might affect their immediate vicinity' as 'most of them will become the new external frontier of the EU' (2005: 129). Therefore 'all common "direct neighbourhood" policies will become vital interests [of the new Eastern EU members] and shape their behaviour on CFSP' (*ibid.*). The new EU member states can draw on a greater regional expertise and experience in this area compared to the old member states, which enhances their ability to shape this policy according to their preferences. Therefore it has been expected that the new Eastern EU member states would try to make the European neighbourhood policy a cornerstone of EU foreign policy (Ilves 2005: 199; Dangerfield 2009: 1739).

EU development policy provides an interesting area for examining the impact of the Eastern EU member states for several reasons. Firstly, development policy constitutes one of the EU's key external policy areas since the foundation of the European Economic Community in the 1950s (see for example Lightfoot 2010: 330; Van Reisen 2007: 59). However, the relationship between EU development policy and enlargement has been widely neglected in the literature despite the long-standing tradition and global orientation of this policy area. Secondly, as Van Reisen argues, 'every [EU] enlargement has so far increased the scope for development co-operation – both in terms of regional coverage as well as the kind of approaches adopted' (2007: 59). Consequently, it is interesting to explore whether and to what extent this also applies to the EU's Eastern enlargement. Thirdly, the Eastern enlargement is considered as being unique, with regard to the sheer number of accession states and its implications for the EU's development policy. As Lightfoot states, 'Never before has an enlargement of the EU included so many former recipients of EU financial assistance' (2008b: 2). Many of the Eastern EU member states lacked any experience in the area of international development cooperation, so it is interesting to examine whether, and to what extent, they have been able to take on their new responsibility as donors of EU development aid and give fresh impetus to this policy. Fourthly, EU development policy is regarded as an area

of EU foreign policy where the new EU members have several material and ideational disadvantages compared to the old member states and where they do not have obvious national interests.

Although some of the new member states were involved in development co-operation programmes before acceding to the EU, mainly within the framework of COMECON (Council for Mutual Economic Assistance), their development aid was very different from the EU-15's development co-operation as it had a 'strong and strategic orientation, concentrating on political allies and friendly countries which were pursuing socialist goals' (Carbone 2004: 244). Usually, the Eastern newcomers do not have specialized staff dealing with development policy lacking the necessary administrative capacity for promoting particular development policy related preferences at the EU level (Van Reisen 2007: 60). Historically the Eastern new member states do not have the same colonial past as many of the old EU member states. Whereas for the old EU member states the EU's relations with the ACP countries form the cornerstone of the Union's development policy, many Eastern EU member states regard the focus of the EU's development policy on the ACP grouping as being 'artificial', and a 'heritage' from the colonial past (Lightfoot 2010: 336). To sum up, one would not expect the new EU member states to have much of an impact on EU development policy. However if the Eastern newcomers have an impact on long-standing, traditional areas of EU foreign policy, it will be probably most identifiable in EU development policy.

The EU's energy security policy is an emerging area of EU foreign policy activity (Pointvogel 2009: 5705). Although energy policy is not a completely new issue for the EU, as it became a pressing concern during the Arab oil embargo in 1973-74, it was not until the mid 2000s that it moved to the top of the EU's agenda (Buchan 2010: 374; Youngs 2009: 4; Misik 2010: 102; Keukeleire/MacNaughtan 2008: 240). The EU's external energy policy represents one of the three different strands of EU energy policy. While the EU's internal energy policy refers to the development of a competitive internal energy market and climate change related aspects of the EU's energy policy, the EU's external energy policy refers to the security of energy supply (Buchan 2010: 357; Belyi 2003: 351). The security of energy supply (energy security) is commonly defined as the 'uninterrupted, continuous and sufficient availability of all forms of energy a given entity requires' (Pointvogel 2009: 5705). A

reasonable price for energy can be regarded as a further relevant factor for energy security (Buchan 2010: 358). In the context of the EU energy security can be further subdivided into its internal dimension, including the diversification of energy resources and transport routes as well as energy solidarity among EU member states, and its external dimension which refers to the EU's external relations with supply countries and its legal competences in this regard (Misik 2010: 103). Energy security is therefore considered a part of EU foreign policy (Buchan 2010: 358; Pointvogel 2009: 5709). The other two strands of the EU's energy policy, namely the EU's internal energy market and climate change-related aspects of energy, have indirect implications for the EU's energy security.

There are several reasons why the EU's energy security policy provides an important and interesting area for evaluating the new members' impact on the EU's foreign policy. First, events such as the gas disputes between Ukraine and Russia in January 2006 and January 2009, rising oil and gas prices and increasing international demand for energy, have placed energy security at the centre of the Union's foreign policy. The repercussions of these energy-related trends and events for the EU haven been exacerbated by eastern enlargement. The inclusion of the eight Central and Eastern European countries in 2004 has significantly increased the EU's dependence on energy imports and rendered it the largest energy importer in the world (Belyi 2003: 352; Misik 2010: 108). Second, despite its importance for the EU's foreign and security policy, energy security has been widely neglected in studies of EU foreign policy (Youngs 2009: 5). Third, energy security lends itself ideally to a case study of the new members' capacity for influencing EU foreign policy because the creation of a true common EU energy security policy is one of their main priorities in the EU due to their high gas dependence on Russia. Moreover, in hardly any other area of EU foreign policy have the new member states had to face such strong opposition from the old member states (Buchan 2010: 360). In particular the big and old member states are keen to keep their energy relations with Russia on a bilateral basis whereas the new EU member states wish to upload energy security to the European level (Smith 2005a: 286; Buchan 2010: 361; Ilves 2005: 200). In summary it can be argued that Eastern enlargement has acted as a catalyst for the development of a European policy on energy security (Buchan 2010: 373).

2.2 Empirical and theoretical relevance of the study

The empirical relevance of this study is three-fold. First, the study explores the impact of Central and Eastern EU member states on the **substance** of EU foreign policy. This has been widely neglected so far in academic literature. Whereas there has been much academic attention paid to the relationship between enlargement and EU institutions (see Best/Christiansen/Settembri 2008; Juncos/ Pomorska 2007), the implications of Eastern enlargement for the substance of the different areas of EU foreign policy have remained largely unexplored so far. The few studies that seek to examine the repercussions of the Eastern enlargement on a particular area of EU foreign policy mainly focus on the material contributions of the new member states to this particular area but do not analyse to what extent and how the policy has indeed changed due to the integration of countries from Central and Eastern Europe (see Kucharczyk/Lovitt 2008; Lovitt/ Rybková 2007; Lightfoot 2008 and 2010; Misik 2010; Bilcik 2010). Other studies that deal with the implications of the Eastern enlargement for the EU's foreign and security policy either from a comparative (treating all eight as a block) or country-specific perspective, highlight in particular the role and attitude of individual Eastern EU member states towards CFSP.² However, most of these studies take a descriptive approach (except Fürst 2008, who uses a constructivist approach, and Frank 2005), focusing exclusively on the description of the individual Eastern EU member state's attitude towards CFSP, but neglecting the interactive nature that the EU's foreign policy has with the foreign policies of the individual EU member states.

This thesis seeks to fill this research gap. By assessing the Eastern newcomers' impact across three different areas of EU foreign policy, it provides an in-depth analysis of the interactive relationship between enlargement and EU foreign policy. In addition, it provides a systematic and comprehensive framework for examining the 'impact' of EU member states, and enlargement on EU policies. The question of how and to what extent new member states affect EU foreign policy is even more pressing in light of the EU's upcoming enlargement to the Western Balkans. The third advantage of this study is its holistic approach. It assesses the impact of all eight accession countries from

² For individual studies on Poland, see Longhurst/Zaborowski 2006 and 2007; Osica 2004; Fürst 2008; Chappell 2006. For comparative studies, see Lessenski 2009; Khol 2003; Edwards 2006; Missiroli 2002 and 2003; Cohen 2007; Král 2005; Lang 2004.

Central and Eastern Europe across three different areas of EU foreign policy. Most studies focus solely on Poland and its impact on the EU's foreign policy and neglect the role of the other Eastern newcomers (see Kaminska 2010a; Pomorska 2008; Copsey/Pomorska 2010). It remains questionable to what extent Poland is representative of all EU member states from Central and Eastern Europe since it is the biggest country among the Eastern newcomers accounting for roughly half their total population and GDP. In order to be able to make generalizations about the new member states' impact on EU foreign policy it seems reasonable to include all eight countries in the study.

In terms of its theoretical relevance, the thesis touches upon two fundamental questions arising in current IR and European integration studies. First, it questions the relationship between material, institutional and ideational sources of member governments' impact on the EU policy-making process, which is key in predominant studies of IR and European integration (see, for example, Bailer 2006: 362 and 2010: 743, and Arregui/Thomson 2009: 655). Second, the study is inextricably linked to the question about the impact of small states on EU foreign policy-making. When and why some small states have impact on the EU's foreign policy while others do not is one of the core questions in EU foreign policy analysis and has become more pressing since the Eastern enlargement in 2004 when seven new 'small states' acceded to the EU (see, for example, Thorhallsson/Wivel 2006: 655; Wivel 2010; Jakobsen 2009).

3. Methodology and data gathering

The thesis draws on a combination of qualitative and quantitative measures. Qualitative measures were used in particular for gathering the data for the analytical chapters. The analytical chapters (chapter 4, 6 and 8) which aim to identify and explain the EU-8's impact on the substance of the three areas of EU foreign policy rely on qualitative research methods. The background chapters (3, 5 and 7) which deal with member states' different approaches to the three areas of EU foreign policy rely to a large extent on a combination of qualitative and quantitative measures.

In the analytical chapters process-tracing was used to find out what accounts for the variance in the CEECs' impact. Process-tracing appeared a

reasonable choice for several reasons. First, as argued by Hall, process-tracing is well-suited for studies 'where it is difficult to explain outcomes in terms of two or three independent variables' (Hall quoted in George/Bennett 2004: 206). As will be seen in chapter 2, there are several different factors that can account theoretically for member states' impact on EU policies. Process-tracing enables the researcher 'to identify the intervening causal process – the causal chain and causal mechanism' between independent and dependent variable(s) (George/Bennett 2004: 206). Second, it is suitable for theory testing as it enables one to connect the findings of data gathering in order to explain an outcome (*ibid.*: 207). Moreover it allows for taking account of the possible interaction among independent and intervening variable. Third, process-tracing makes the bridge-building between different theoretical strands easier (Checkel 2008: 121). As will be shown in chapter 2, possible factors accounting for member states' impact can be subsumed under different theoretical strands such as rational choice and social constructivism.

The question why the EU-8 sometimes manages to have an impact and other times does not is addressed within the framework of case studies which are integrated into the analytical chapters on the basis of the method of structured, focused comparison (George/Bennett 2004: 67). Chapter 4 includes one case study. Chapters 6 and 8 each include two case studies. The case studies follow the same structure and are guided by the same questions in order to make their findings comparable. They were selected on the basis of the differences between the 'old' and 'new' member states' approaches to the key aspects of the three areas of EU foreign policy outlined in chapters 3, 5 and 7 which were derived from primary sources including European Council and Council conclusions, common EU strategy papers and Commission communications as well as the scarce secondary literature on the 'new' member states' impact on various areas of EU foreign policy. Primary sources represented the starting point for the identification of possible cleavages between the 'old' and 'new' member states with regard to key or controversial aspects of a policy. Usually a blurred wording or explanatory footnotes included in Council conclusions or common strategy papers hinted at major differences in the member states' approaches to an issue. Moreover, the particular wording used in the primary sources also served as a yardstick against which the CEECs' impact was measured and assessed.

The data for the process-tracing and the identification of the EU-8's impact attempts which formed the basis for the analytical chapters (4, 6, and 8) was gathered within the framework of 104 semi-structured interviews with officials from member states' Ministries of Foreign Affairs, permanent representations to the EU, as well as with policy experts and officials from the European Commission, the Council Secretariat and the EEAS. The search for interviewees focused as a first step on 'old' and 'new' member states' representatives in relevant Council working groups and parties such as the Working Group on Development Cooperation (CODEV), the ACP Working Party, the Working Group on Eastern Europe and Central Asia (COEST), the Working Party on the Mashreq/Maghreb countries (MAMA) and the Working Party on Energy (WPENER). Starting with the interviews from the working group level seemed to be a reasonable choice as most policy proposals are first floated and circulated within the relevant working groups before being forwarded to the next higher Council preparatory body.

On the basis of a 'snowball principle' these initial contacts were also used for the identification of further interviewees in EU institutions such as the Commission, the EEAS and the Council Secretariat as well as in the national capitals. Depending on the initiative and the respective state of negotiations interviews were also conducted at COREPER level, in particular in cases in which no agreement could be found at the working group level or in which tripartite negotiations had already started. Particular attention was paid to a balanced selection of the interview partners in order to ensure an equal representation of representatives of 'new' and 'old' EU member states as well as officials from various EU institutions. This strategy aimed at getting the broadest possible range of insights and positions of the member states. Interviews with officials in national capitals were limited to Berlin and Warsaw. In particular in policy areas where the 'new' member states can only draw on a very limited number of officials such as development cooperation or energy policy, it could be assumed that this member state's position in the Council constituted the result of very close cooperation between its representative in Brussels and the respective official(s) in the national ministry. Because of the limited number of officials specialised in development cooperation, for example, many CEECs often receive no instructions from their capitals to be presented in the Council preparatory bodies. Their representatives then often work on a

stand-alone basis. In several cases interviews were also conducted with members of the European Parliament or their advisors.

In particular on issues on which tripartite negotiations were still ongoing or on which the European Parliament was particularly vocal such as initiatives related to the promotion of democracy and human rights or energy solidarity, these interviews turned as a valuable source of background information.

The interviews were conducted in Berlin, Warsaw and Brussels in the period from December 2010 to March 2014. Almost all of them were conducted in person due to the complexity and sensitivity of the questions. Most interviews were conducted in English and not recorded at the request of interview partners. Instead, notes were taken during the interviews and transcribed immediately after the interviews. In advance to the appointments, the interviewees were provided with an interview guide including a brief outline of the research undertaken, relevant definitions of key words and concepts, of how the data will be processed as well as of the topics to be covered.

The interviews were semi-structured. They usually started with open-ended questions related to the activities of the NMS in the respective policy area and then continued with descriptive, process-related and theoretically-informed questions. The open-ended questions enabled me to identify relevant impact attempts by the CEECs in the individual policy areas whereas the descriptive, process-related and theoretically-informed questions were used to identify member states' different positions on the issues and to reconstruct the negotiation process in detail. When trying to reconstruct the process the possible explanatory variables for impact were taken into account and explored. The content of the interviews served as a basis for drawing inferences about the factors accounting for the CEECs' success or failure to have impact.

In order to ensure the comparability of the data, a similar set of questions was asked, slightly adapted to the different categories of the interviewees differentiating between the representatives of the CEECs, the representatives of the 'old' member states and officials from the EU institutions.

The interviews were not only used for gathering new detailed information about member states' positions and the negotiation process but also for probing the reliability and validity of already gathered data. The data gathering process in each of the three policy areas consisted of several rounds of interviews. The first round usually came to an end as soon as the responses of the interviewees

started to repeat themselves and parts of the analytical chapter in the respective policy area could be written up. By writing up major parts of the analytical chapter, gaps and aspects could be identified on which I still needed more information or more details. For this reason the first writing-up periods were usually followed by a second round of interviews aimed at closing the existing gaps and clarifying further aspects. Depending on the issue at stake in certain cases the reconstruction of the negotiation process even required a third round of interviews. In line with the 'branching and building strategy' these initial findings gathered from the first round of interviews also served as a basis for reformulating and adapting my interview questions (see Checkel 2008: 121).

In order to keep pace with the developments in the three policy areas and stay informed about the state of negotiations on the different issues several interviewees from the CEECs and various EU institutions were met twice or even on a regular basis.

In order to meet key requirements of triangulation, statements and information provided by national representatives of 'new' member states were cross-checked with information provided by officials from the Commission, the EEAS, the Council Secretariat and representatives of EU-15 member states.

The information gathered in interviews was verified and complemented by data retrieved from various confidential internal communication papers, non-papers, letters and internal agreements originating from the member states, the EEAS and the Commission. In several cases, in particular the non-papers turned out to be useful for getting detailed information about member states' positions or preferences with regard to the issues under negotiation. In cases in which these documents contained new or different information, their content was cross-checked again in interviews in order to ensure that the analysis took only verified information into account. In other cases having various confidential drafts of EU documents such as Council conclusions enabled me to trace how the content of these outcomes has developed. The reasons for these developments were then explored in detail in the interviews. Other confidential documents included important hints as to the controversial aspects of the final outcome in the form, for example, of an explanatory footnote or blurred wording. If new, the validity of this information was again tested in the interviews.

This thesis deliberately neglects the CEECs' impact on the EU's responses to crisis situations in order to avoid the risk of 'overestimating' the

'Eastern' factor. Responses to crisis situations require urgent decisions that need to be taken 'under time pressure and highly uncertain circumstances' (Rosenthal/Charles/'t Hart quoted in Dayton 2004: 167). EU policy-making in crisis situations takes place under extraordinary conditions making it different from the daily EU policy-making. Crises cannot be 'handled through everyday routines' (Larsson/Hagström Frisell/Olsson 2009: 2). As shown in the past crisis situations have been exploited often by EU member states to justify extraordinary measures and deliberately politicise certain aspects of the policies which they concerned. An assessment of the EU-8's impact on the EU's responses to crisis situations would therefore allow for only limited conclusions on their ability to shape policy outcomes according to their preferences.

4. Organization of the thesis

The thesis comprises nine chapters. The second chapter provides the theoretical and analytical framework for evaluating member states' impact on EU policies. It develops a three- step approach to assessing the new member states' impact on EU foreign policy by drawing on insights from the existing literature on impact, influence, and bargaining power. Therefore it differentiates between three different aspects of policy content, namely geographical coverage, policy goals and priorities, and policy instruments as well as three different stages of the Union's foreign policy-making process. The third chapter outlines EU member states' different approaches to EC/EU development policy. It serves as a background chapter and sets the scene for the analysis of the CEECs' impact on EC/EU development policy in chapter 4. Chapter 5 focuses on member states' different approaches to the European Neighbourhood Policy. It sets the empirical background for the analysis of the CEECs' impact on the Eastern dimension of ENP in chapter 6. The seventh chapter outlines member states' different approaches to EU energy security. It provides the necessary background information for the analysis of the CEECs' impact on the EU's energy security policy that is carried out in chapter 8. The last chapter summarises the findings of the thesis.

Chapter 2

Theoretical and analytical framework

In general impact is defined as a member state's ability to secure a particular outcome in the EU foreign policy-making process.³ But what accounts for the EU member states' varying impact on policy outcomes? And how can a member state's impact on a policy outcome be measured? The following chapter outlines the most important sources of member states' impact in EU foreign policy-making, differentiating between material, institutional and ideational impact assets. It further highlights the most important approaches to the definition, conceptualisation and evaluation of impact before going into details of the conceptualisation and evaluation of impact on which this study draws. The chapter concludes with the hypotheses guiding the analysis of the CEECs' impact on the content of the three policy areas as carried out in chapters 4, 6 and 8.

1. Member states' different sources of impact

Based on the existing academic literature which explores why an EU member state sometimes succeeds in shaping a policy outcome according to its preferences and other times not, three different sources of member states' impact in EU policy-making can be distinguished: material, institutional and ideational.

Material resources of impact refer to objective factors, which can account for a state's political weight in international politics such as its military capabilities, the size of its territory and its economic strength. Institutional sources of member states' impact are related to particular institutional circumstances that a member state can exploit in order to increase its impact on policy outcomes such as holding the Council Presidency or the decision-taking rule. Ideational sources of member states' impact include, for example, a member state's expertise or knowledge in a particular policy area or its ability to present credible and persuasive arguments supporting its proposal (see Nasra 2011: 169).

³ For a similar definition see Copsey/Pomorska 2010: 305.

All three sources of impact derive from 'the two most important approaches to social inquiry: rationalism and constructivism' (Kaeding/Selck 2005: 273). They draw on the core assumptions of these two paradigms and follow different logics of action. To explain why actors act in different ways within institutions March and Olsen differentiate between the 'logic of consequentialism' on the one hand and the 'logic of appropriateness' on the other hand as two different logics accounting for the different incentives underlying human behaviour within institutions (1998: 949; also Risse 2000: 3).

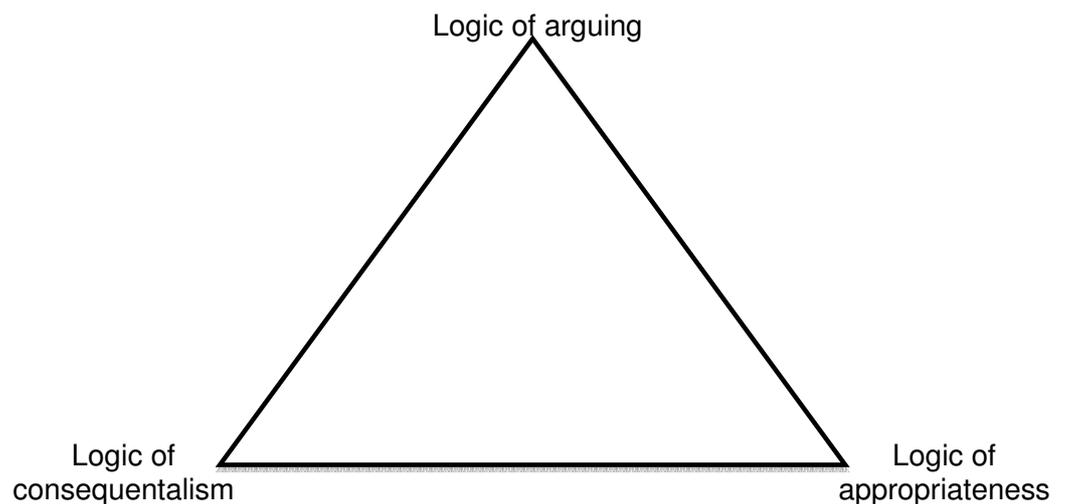
The 'logic of consequentialism' is based on the assumptions of rational choice theory which regards human action within institutions as instrumental and the result of fixed exogeneous preferences (March/Olsen 1998: 949). Actors evaluate the consequences of different courses of action and choose the one which best serves their objectives and preferences. As Elster argues, 'Actions are valued and chosen not for themselves, but as more or less efficient means to a further end' (quoted in Risse 2000: 3). Actors are expected to coordinate and cooperate if coordinated action represents the only possible way to achieve their objectives and if it promises to yield gains compared to individual action (Risse 2000: 3). Extent and outcome of coordinated action depend on the bargaining positions of the individual actors who are considered to be egoistic utility maximizers (March/Olsen 1998: 950).

The 'logic of appropriateness' is closely linked with the assumptions of social constructivism in international relations. It assumes that human action within institutions is guided by rules associating particular concepts of identity to particular settings or situations (March/Olsen 1998: 951). Human actors choose between different courses of action in a particular situation by comparing the similarities between their current identities and situations 'and more general concepts of self and situations' (*ibid*; also Hayes 2007: 9-10). They act according to the rules and norms constituting their identities and are primarily interested in doing 'the right thing' in a particular situation irrespective of personal gains (Risse 2000: 4).

Risse himself argues that the 'logic of appropriateness' as explored by March and Olsen has two different dimensions: situations in which actors act on the basis of internalised norms ('logic of appropriateness') and situations in which actors first need to find out what is the appropriate norm to apply (2000: 6). Risse calls the latter the 'logic of arguing'. It involves a communicative

process in which actors deliberate on the validity of ‘their assumptions about the world’ and causal beliefs as well as the justification and application of norms in the given situation (Risse 2000: 7). Risse depicts the three logics of action as points of a triangle to demonstrate how they are interrelated.

Figure 2.1: Three logics of action according to Risse



Source: Risse 2000: 4.

The lower left corner represents bargaining situations in which actors have fixed preferences and communicate in order to inform the other actors about their preferences and make promises or threats (Risse 2000: 8). The lower right corner reflects situations in which human action is driven by internalised rules and norms associated with their identity. The upper corner refers to situations in which actors seek to persuade others to change their norms or preferences by presenting the ‘better argument’ (*ibid.*). The different logics of action serve as the theoretical background for the following subsections outlining the different sources of member states’ impact on the EU’s foreign policy.

1.1 Material sources of member states’ impact

Material sources of member states’ impact are derived from rational choice approaches assuming that member states’ action within institutions such as the Council is driven by a ‘logic of consequentialism’ (Panke 2012b: 319). Following this logic of action EU policy-making is then regarded as an aggregation of member states’ preferences ‘into collective actions by some procedures of

bargaining, negotiation, coalition formation, and exchange' (March/Olsen 1998: 950).

In general material sources of member states' impact can be subdivided into two different categories: the fixed and objective determinants of impact which a member state itself cannot change and those variable factors which differ from decision to decision and which a member state can try to use in order to improve its bargaining position.

One fixed material source of member states' impact⁴ on EU policy-making is size. Usually, the size of a member state is determined by the size of its population, territory, economic strength (e.g. GDP) and military capabilities (Thorhallsson 2006: 8; Wallace 2005: 38). For example, the number of votes a member state has in the Council, is assigned according to the size of its population.

Other scholars such as Wallace or Thorhallsson define a state's size in a broader material sense including its 'political weight' (Wallace 2005: 38). A state's 'political size' refers to its administrative capability including the number of diplomats it employs, the stability, cohesion and party-political orientation of its domestic government which may vary from parliamentary term to parliamentary term (Thorhallsson 2006: 18).

Generally, studies examining the relevance of fixed material factors as the main source of member states' impact claim that more material resources of impact lead to more impact of the respective member state on EU policy-making (Bailer 2006: 358). This assumption seems to be problematic in two respects. Firstly not all material resources are equally relevant in all policy areas. In EU negotiations on finance or trade, for example, the military capabilities of a member state seem irrelevant. Secondly as they are fixed they alone cannot explain why one and the same EU member state sometimes succeeds in having an impact on policy outcomes and other times not. Thus, fixed material resources for impact need to be converted into 'tangible' impact by certain behaviours or actions. This might include voting or the use of so-called 'hard' bargaining strategies such as threatening to veto a decision or building blocking coalitions in order to prevent a decision (Dür/Mateo 2010:

⁴ It should be noted here that this kind of sources of member states' impact is usually discussed in the academic literature as member states' influence, bargaining power or structural power resources, see, for example, Bailer 2010: 743 and Bailer 2006: 357; Moravcsik 1998: 63f.; Tallberg 2008: 687.

562). These variable material sources of impact are not reserved for big EU member states only. Smaller or small states can also try to build a powerful coalition with other EU member states in order to shape a policy outcome according to its preferences.

The following section focuses on the three most important material sources of member states' impact which can vary across different negotiations and issues at stake: the distribution of preferences determining a member state's possibilities for coalition building; the internal unity among coalition members; and the salience of a particular policy outcome to a member state.

1.1.1 Coalition building with other EU member states and internal unity

An EU member state can significantly increase its impact on a policy outcome by building a powerful coalition with other EU member states which supports its position or request (Naurin 2008: 5; Ruse 2009: 4). A coalition is defined as a group of member states whose members not only have similar preferences but also coordinate their activities in order to promote their most favoured policy outcome (Naurin 2008: 10). Kaeding and Selck identify four conditions for coalition building in the Council including power, common policy objectives, culture and ideology (2005: 273).

On the basis of rational choice theories it can be assumed that member states are keen to build a coalition with those EU member states that have the highest number of votes in the Council in order to ensure a clear majority in favour of their initiatives or proposals. In particular small EU member states depend on the support of two big EU member states or several smaller and one big EU member state in order to be able to form a blocking minority if a decision is adopted by a qualified majority. Having a powerful coalition on its side can also increase the strength of a normative argument supporting a member state's position (Ruse 2009: 2).

A further reason and usually a condition for coalition building is related to similar preferences and policy objectives. A member state is more likely to build a coalition with those EU member states having similar preferences and policy goals (Hix 1999: 71). Moreover it can only increase its impact on a policy outcome if the coalition is able to maintain a united position in the negotiations presupposing similar preferences and policy objectives (Ruse 2009: 5).

Sometimes a coalition's collective weight in terms of votes might not be sufficient to build a blocking minority. In such cases a coalition will be more likely to attract further coalition partners if it has a united position and is not internally divided.

Further motivations for coalition building can include cultural or ideological similarities among member states. Member states are more likely to team up with those EU member states with whom they have strong political, cultural and historical ties or common borders, like their neighbours. The BeNeLux countries or the Visegrád Group provide examples for culture-based coalitions. Ideology-based coalitions can derive from member states' deeply engrained attitudes towards European integration differentiating between those which generally support more integration versus those EU member states which oppose more integration (Kaeding/Selck 2005: 275; Naurin 2008: 6).

Coalition building not only increases a member state's impact at the decision-making stage but also at the agenda-setting stage. The sheer number of decisions taken at the EU level and their increasing complexity requires that many points on the EU's foreign policy agenda have to be 'pre-cooked' at a lower level of decision-making such as the Council working group level in order to get them accepted (Juncos/Pomorska 2007: 15). A member state can significantly increase its impact at the EU's agenda-setting stage by building a coalition of like-minded member governments before an issue is placed on the agenda.

1.1.2 The salience of an issue

There are various definitions of salience which have different implications for a member state's ability to shape a policy outcome (McKibben 2010; Leuffen/Malang/Wörle 2014). The very origins of the concept go back to Moravcsik's assumptions about interstate bargaining and the determinants of a member state's bargaining position (1998: 8; 1997). Moravcsik argues that those member states which depend most on a particular policy outcome and cannot achieve it otherwise (either unilaterally or in other coalitions or international organisations) need to make the greatest concessions in negotiations. They can only partially try to offset these concessions by offering side-payments or package deals to those EU member states that oppose its

most favoured policy outcome (Moravcsik 1998: 9). Such bargaining situations usually benefit large EU member states as they have more possibilities for building alternative coalitions and offering significant side-payments.

Stokman and Thomson outline two different implications of salience for a member state's ability to shape a policy outcome according to its preferences. On the one hand it is likely that a member state will be more willing to mobilise all its resources in order to achieve its most favoured outcome if it attaches great importance to the issue at stake. On the other hand it is likely that the more dependent a member state is on a particular policy outcome, the more limited will be its room for manoeuvre in the negotiations and the more concessions it will have to make (Thomson/Stokman 2006: 41; Warntjen 2010: 670; Leuffen/Malang/Wörle 2014: 617). 'Actors who attach high levels of salience to an issue are highly sensitive to small deviations from their most favoured positions, while actors who attach low levels of salience are less sensitive' (Thomson/Stokman 2006: 42). The salience of an issue depends on whether a proposal or decision falls within the scope of high or low politics or if it is a zero-sum or positive-sum game (McKibben 2010: 696ff.). EU member states will likely oppose any measures which could limit their competence in the area of high politics such as foreign and defence policy. The distribution of funds or resources implies always a zero-sum game. Moreover, the salience of an issue will be likely very high if it touches upon questions of highest political sensitivity for particular member states such as Turkey for Cyprus and Greece or the Polish minority living on Belarusian territory for Poland.

1.2 Institutional sources of member states' impact

Member states can significantly increase their impact on a policy outcome if they manage to exploit the institutional setting to their advantage. The most important institutional sources of member states' impact include holding the Council Presidency, coalition building with the Commission and the decision-making rule.

1.2.1 Holding the Council Presidency

Holding the Council Presidency is regarded as an important institutional source of member states' impact on EU policy-making (Tallberg 2008: 696; Björkdahl 2008: 139; Bunse 2009). Before the Lisbon Treaty came into force, it was usually the Council Presidency who prepared the agenda of the Council, and the European Council who convened and chaired all Council meetings, and drafted Council conclusions. A country holding the Council Presidency could exert significant impact on the EU's policy-making process by setting, structuring and delimiting the EU's agenda in line with its own preferences, and by acting as a mediator among EU member governments and institutions (Tallberg 2008: 697 and 2003: 6). This puts it in a privileged position also with regard to preference information and procedural control of the policy-making process. Small and medium-sized EU member states regarded the Council Presidency as one of their most important sources of impact on EU policy-making. Holding the Council Presidency enables small states to contribute to EU policy making irrespective of their political size and their economic strength (Bunse 2009: 28; Van Hecke/Bursens 2011). For this reason they regard it as the "guardian of equality" (*ibid.*). It gives them 'the opportunity to show the world how well a small country can tackle politically sensitive issues' (Seppnen quoted in Bunse 2009: 28).

1.2.2 Coalition building with the Commission

A member state can increase its impact on a policy outcome by working 'through' the Commission (Arregui/Thomson 2009: 659 and Nasra 2010: 2f.). The Commission plays a decisive role in the EU policy-making process (Bouwen 2009: 19). It has not only the right of initiative but also drafts legislative proposals and communications forming the basis for further negotiations in the Council (Panke 2012a: 131; Bouwen 2009: 19). Moreover, it takes part in the dialogues with the European Parliament and the Council Presidency within the framework of the ordinary legislative procedure. Maintaining close contacts with institutional actors such as the Commission helps EU member states, in particular small EU members, to obtain necessary necessary information about the positions of other EU member states, the background details about the

issue at stake as well as to increase their knowledge about the topic (Panke 2012b: 318).

For small states the Commission therefore represents a 'natural ally' (Bunse/Magnette/Nicolaidis 2005: 3). Small states regard the Commission as an 'important counter-weight to the predominance of the large' EU member states in the Council (Bunse 2009: 61). There are various formal and informal possibilities for promoting policy proposals through the Commission. Firstly, EU member states can affect the Commission's agenda or content of proposal within the framework of public consultation procedures giving them the opportunity to present their positions and preferences concerning the issues at stake. This applies in particular to soft law instruments such as Green or White Papers or communications, which have mainly strategic implications. Secondly, member states can approach the Commission informally to either feed in their specific concerns and by this promote their own preferences or obtain relevant information in advance (Panke 2012a: 136). Although bureaucrats in the Commission are required to be neutral, member states are usually in close contact with their national officials working in the Commission in order to exchange information and views (Interview-EU_16). Commission officials have typically more substantial expertise in the policy area they work than national diplomats who are subject to more frequent turnover. Having relevant information about the content of a Commission proposal in advance enables a member state to have a well-elaborated national position and to demand modifications of the Commission at the preparatory stage of a proposal. As pointed out by a representative, 'The earlier one puts forward own positions and demands to the Commission, the better are the chance [*sic!*] to influence policies' (quoted in Panke 2012a: 136). In addition member states can use their national officials in the Commission in order to draw the Commission's attention to their proposal. If a member state manages to build a coalition with the Commission in support of its initiative it can draw on the Commission's agenda-setting powers in order to further promote the initiative.

1.2.3 The decision-making rule

The stipulated decision rules under which agreements need to be adopted in the EU provide another important source of impact for EU member states.

In policy areas where decisions are taken by unanimity, every member state has the opportunity to block a decision by making use of its veto. Unanimity requirements and veto provisions put small EU member states on an equal footing with big member states (Wivel 2010: 18). Small EU member states can therefore be regarded to have most impact in unanimity voting settings (Panke 2012b: 321). Qualified majority voting tends to favour big member states as they have more votes in the Council (Warntjen 2010: 668).

1.3 Ideational sources of member states' impact

Those EU member states disadvantaged in terms of their material resources for having impact, like medium or small states, have to draw on other, namely ideational sources of impact (see Jakobsen 2009: 86; Romsloe 2004: 6). Ideational resources for member states' impact on EU policy-making are based on assumptions of social constructivism assuming that member states' action within institutions such as the Council follows the 'logic of appropriateness' and the 'logic of arguing' (March/Olsen 1998: 951; Risse 2000: 8-9). Following these logics member states' behaviour within institutions such as the Council is guided by rules and norms 'associated with particular identities to particular situations' and draws on strategies such as framing, persuasion and argumentation (March/Olsen 1998: 951; also Panke 2012b: 319).

Ideational resources for member states' impact on EU policy-making refer to a member state's reputation, its knowledge and expertise in a particular policy area or region, its ability to persuade other EU member states by presenting convincing and credible arguments and its ability to frame its policy proposals and initiatives as of added value for the whole EU (see Wallace 2005: 38ff.; Arter 2000: 679ff.; Björkdahl 2008: 138ff.; Kronsell 2002). Moreover the timing of a policy proposal or initiative can be of key importance for its success (Kingdon 1995). It is difficult to assess these resources individually as all of them are interrelated and interdependent. In the following subsections I will focus on persuasive argumentation, framing and the timing of a policy proposal as the most important ideational resources for member states' impact. There are several reasons for limiting the analysis of the CEECs' impact on the EU's foreign policy to these three ideational sources of member states' impact. In general a member state's ability to frame initiatives as adding value to the whole

EU and presenting credible and telling arguments in favour of a particular policy outcome depends to a significant extent on its expertise in a policy area and its reputation. Apart from the timing almost all other ideational sources boil down to framing and persuasive argumentation. It therefore seems reasonable to assess these ideational sources of member states' impact in more detail. The timing of a policy proposal stands out as it can explain why certain arguments at a particular time resonate while they earlier went unheeded despite their credibility. For this reason it seems necessary to consider this 'scope condition' in more detail in addition to persuasive argumentation and framing. Other ideational sources of member states' impact such as ambitions and self-perception⁵ will be neglected as they are difficult to evaluate and unlikely to account for a member state's impact on a policy outcome.

1.3.1 Persuasive argumentation

In the academic literature there is confusion over the use of terms such as 'persuasion', 'deliberation' and 'arguing' (see also Checkel 2002: 1). Often in particular the terms 'persuasion' and 'arguing' are used interchangeably (see, for example, Panke 2012b: 320-321). In several cases the term 'argumentation' is used as a synonym for 'persuasion' and/or 'arguing' (*ibid.*; see also Majone 1989: 1-2). The definitions of all three terms – 'persuasion', 'arguing' and 'argumentation' – refer to the use of arguments in different ways. Checkel defines persuasion as a 'process of convincing someone through argument and principled debate' that results in a change of beliefs (2002: 2). He considers it to be different from 'arguing' to the extent that 'arguing' mainly focuses on the communicative process without assessing whether other actors' attitudes or preference have indeed changed due to the discussion and the presented arguments (2002: 10). Risse differentiates between 'rhetorical action' what he defines as the strategic use of arguments to explain one's position without being willing to change its own beliefs or preferences and 'arguing' (2000: 8-9; see also Müller 2004: 407). The latter refers to situations in which actors seek to

⁵ Ojanen, for example, argues that Sweden could only be so influential in the EU foreign policy-making process because it was strongly determined not to become a 'footnote country' in the EU (2000: iii). Braun, examining why the Czech Republic and Slovakia act so differently in the EU, with the former being proactive and influential and the latter rather reactive, comes to the conclusion that a member state's impact also depends on its self-perception (2010: 151).

persuade other actors to change their preferences or beliefs by the 'better argument' (Risse 2000: 8). Compared to 'rhetorical action', however, they are themselves also open to be convinced by the other actors to change their beliefs or preferences. The aim of the discussions is to get to a 'reasoned consensus' (Risse 2000: 9). Both actions are not mutually exclusive. Initial rhetorical action can develop into fully-fledged arguing.

In the analysis carried out in this thesis the term 'persuasive argumentation' is used when referring to the extent to which a member state is in a position to present credible and commonly accepted arguments for its policy proposal or preferred outcome. Irrespective of whether they are used for strategic purposes or to really find the proper solution to a problem, arguments play a central role in policy-making not only in order to justify its own position but also in order to convince other actors of this position (Majone 1989: 1-2). Arguments can be assessed in different terms such as their content or nature and their persuasiveness. Majone, for example, differentiates between factual and value-based arguments, whereas the first draws on facts and the latter on rules and norms (1989: 8). Other scholars distinguish between normative and moral arguments following the 'logic of appropriateness' and causal or technical arguments (Panke 2012b: 319).

With regard to persuasiveness, Deitelhoff, for example, argues, that it is the strength of arguments that determines whether they are persuasive or not (2009: 43). Impact then depends on who can present the 'better argument'. A further important pre-condition for persuasiveness of arguments is a member state's expertise with regard to the issue at stake, a particular region or a particular policy area (Panke 2012b: 320-321). Content expertise as defined by Tallberg refers to knowledge of the policy problem under discussion and is regarded as a determining factor for a member state's impact on the EU's policy-making process (Tallberg 2008: 701). Jakobsen states that small states can compensate for their lesser structural resources by possessing extensive knowledge and expertise in a policy area (2009: 87). A member state's expertise in a policy area might be based on its successful and advanced domestic policy, which therefore sets a good example to the other EU member states, which Jakobsen refers to as a member state's 'forerunner reputation' (2009: 86).

A further criterion for the persuasiveness of arguments, in particular moral or normative arguments, is the extent of their legitimacy and moral validity. Both also depend on the reputation and credibility of the state making the argument (Deitelhoff 2009: 35; Risse 2000: 10). Panke argues that arguments seem credible if they are altruistic and presented by a member state that is considered to be impartial and to strive for the 'best possible policy solution rather than self-interest' (2012b: 320; Warntjen 2010: 670). Moral arguments presented by member governments will only persuade if they are in line with shared values and beliefs in the EU 'of what is normatively right and proper' (Panke 2012b: 321; see also Princen 2007: 32). Reputation is a precondition for credibility and largely determined by its previous behaviour in EU decision-making. If a government has pursued more conflicting and self-serving policies in the EU by acting as a '*demandeur*' unwilling to give in or compromise, then it will have difficulty getting other member governments to take up its concerns (see also Wallace 2005: 38).

While persuasive argumentation as used in this analysis is dependent on the extent to which a member state is in a position to make credible and commonly accepted arguments supporting its policy proposal, framing as outlined in the following subsections refers to the way the arguments or policy proposals are presented and communicated. It can therefore be regarded as an essential aspect of successful 'persuasive argumentation' (Payne 2001: 39).

1.3.2 Framing

While omnipresent in social sciences, framing is rarely defined 'with much left to an assumed tacit understanding of reader and researcher' (Entman 1993: 52). Notable exceptions to rather casual or lacking definitions of framing constitute the contributions of Robert M. Entman (1993) and of Rodger A. Payne (2001).

Payne defines framing as a 'persuasive device' aiming to interpret a situation in a particular way and point to the appropriate remedy or action in a particular setting (2001: 39). Framing can then be described as the process of embedding a particular issue in the broader social context and linking it to broader questions (see, also Panke 2012b: 320). It can be regarded to be a communicative source of member states' impact. It refers to the way an actor presents and communicates the issue at stake to other actors, for example as a

technical issue requiring a solution based on scientific evidence or as a normative issue being in the common interest or calling for fairness. Framing then determines 'how an issue is perceived' by other actors (*ibid.*).

Entman considers framing to be the conscious highlighting of certain aspects of an issue in a text while leaving others out in order to enhance the issue's salience and allow only for a '*particular definition, causal interpretation, moral evaluation, and/or treatment recommendation*' of it (1993: 52, emphasis in the original). In order to frame an issue in the intended way and steer the audience's attention to particular aspects of it, actors can draw on certain keywords, data, metaphors, images or expressions resonating with commonly shared or internalised norms and rules (Entman 1993: 53; Payne 2001: 39; Björkdahl 2008: 138). To 'resonate' with the target audience, new policy proposals or claims need to be associated with established ideas or frameworks (Payne 2001: 39). Thus frames need to be meticulously devised by policy entrepreneurs in order to steer the attention of the intended audience to particular aspects of the issue at stake. Comparable to arguments, they can be used either for strategic or for normative reasons in order to find the best possible solution. In the first sense they are used consciously to emphasise the 'persuasive force of a resonant "good idea" or "better argument"' (Payne 2001: 45). As frames are inextricably linked to arguments, they have to fit with the kind of argument made.

Hajer refers in this regard to the concept of so-called story-lines which operate as metaphors and position an issue in a particular social context (1995: 56). They are 'narratives on social reality' which are used 'to construct problems', identify their causes and origins and promote particular solutions to them (*ibid.*: 64). Story-lines not only encompass metaphors but can also draw on historical or symbolic references, analogies, stereotypes or clichés (*ibid.*). They are invoked by saying or using a particular word or references. They enable an actor to combine various elements from different discourses into one set phrase implying a shared understanding of the issue at stake. In addition to allowing for multi-interpretability, a story-line needs to be accepted and perceived as right either by drawing on plausible arguments or due to the credibility of the author or the particular political context (Hajer 1995: 63).

Based on the elements of framing outlined above framing as used in this thesis refers to the way *how* the new EU member states have presented or

communicated their policy proposals and the arguments underpinning their initiative to the other EU member states. Particular attention is paid to the extent the CEECs have managed to embed their preferred solution in the broader EU context and link it to common norms and practices by using certain key words. In addition to the strategy and style of how the CEECs presented their policy initiatives, the framing subsections will also focus on how the CEECs' initiatives were perceived by the other EU member states, whether they were perceived as initiatives of benefit to the whole EU, sounded right, included concrete and consistent solutions to the identified problem and the way how their policy proposals were drafted whether other, old EU member states were included in the drafting process or whether it was an exclusive 'initiative'.

1.3.3 Timing of a policy proposal

The timing of a policy proposal can be a determinant of its success. It is closely linked with a member state's ability to present convincing arguments and frame initiatives as solutions to common EU problems. As argued by Hajer successful framing of an initiative also depends on the current political context (1995: 55). The role of timing for the success of a policy proposal was first discussed by Kingdon (1995). Problems resulting from unforeseeable political events such as sudden crisis situations or elections can explain why a certain policy proposal is taken up and adopted. In his analysis of how a window of opportunity opens Kingdon differentiates between three different streams: the problem stream, focusing on the identification of a policy problem; the policy stream, preparing various proposals for the solution of the problem; and the political stream, taking account of political events and developments (Meyerhöfer 2009: 23). The opening of a policy window results either from a 'change in the political stream or [...] because a new problem captures the attention' of policy makers (Kingdon quoted in Meyerhöfer 2009: 23). An EU member state can become a policy entrepreneur and try to use a window of opportunity in order to push through its most favoured policy outcome or proposal. While the timing of a policy proposal in a strict sense does not necessarily represent an ideational source of member states' impact, it certainly can explain why arguments become effective in a particular time or situation.

1.4 When are the different sources of member states' impact effective?

There are different positions on the question as to whether, when and to what extent material, institutional and/or ideational sources are relevant for member states' impact on EU policy-making. Many scholars argue that the importance of the impact sources varies across the prevalent mode of interaction in the Council (Elster 2007; Scharpf 1997; Hopmann 1996): Warntjen, for example, distinguishes between 'distributive bargaining', 'co-operative exchange' and 'deliberation' as the key modes of interaction in the Council (2010: 667ff.). Elster refers in this regard to bargaining, arguing and voting (2007). Juncos and Pomorska differentiate between bargaining, information exchange and deliberation (2007: 17).

Following this line of argument material or structural sources of member states' impact have proved to be effective when 'bargaining' is the main mode of interaction, as in the European Council. Bargaining refers to a member state's involvement 'in communication for the purpose of forcing or inducing the opponent to accept one's claim. To achieve this end, bargainers rely on threats and promises' (Elster quoted in Romsloe 2004: 6). Bargaining mainly pertains to fundamental decisions with major implications for the functioning of the whole EU such as treaty negotiations. According to intergovernmentalists, the outcomes achieved by bargaining reflect the preferences of the big member states as obviously they have more resources at their disposal to offer side-payments and threaten to veto an agreement (Moravcsik 1998: 63ff.).

Ideational resources for member states' impact are particularly decisive when 'deliberation' is the main mode of EU decision-making (Romsloe 2004: 7). According to Eriksen, deliberation, in contrast to bargaining, 'designates the process of reaching collective decisions through reason-giving' (2003: 3). A deliberative mode of interaction presumes that a member state can influence EU decision-making by presenting convincing arguments to other EU member governments and institutions in order to persuade them of its preferred outcome or approach. Having impact on EU decision-making depends on who can present the better argument (Romsloe 2004: 7; Wivel 2010: 20).

Other scholars such as March and Olsen refer to several different interpretations of the conditions under which the 'logic of appropriateness' prevails. According to the first, ideational sources of impact will be likely more

relevant in negotiations which do not touch upon distributional questions and in which the negotiating partners are to a greater or lesser extent equal in terms of their structural power resources (1998: 952). In line with the second interpretation, the relevance of the different sources of member states' impact depends on whether the negotiations involve major decisions or just minor changes of the existing practice (*ibid.*: 953). If negotiations concern major decisions material sources of member states' impact will likely to be more important whereas in negotiations concerning only minor changes ideational sources of member states' impact are supposed to be more relevant.

Other scholars assume that the importance of member states' sources for impact varies across the different stages of the EU policy-making process (Elgström/Jönsson 2000: 692). They implicitly acknowledge that all three sources of member states' impact are important, but at different stages of the policy-making process, whether it is the agenda-setting, the decision-taking and implementation stage (McKibben 2010: 694). According to Elgström and Jönsson the agenda-setting stage is characterised by deliberation and more openness to persuasive arguments (2000: 692). At the decision-making stage material sources of impact are expected to play a greater role. For Elgström and Jönsson "higher" levels are claimed to be linked to the preponderance of self-interests, whereas "lower" levels are "more technical" and thus more given to joint problem-solving' (2000: 693).

To sum up, there are different views on the relevance of the various sources of member states' impact. While some argue that it depends on the respective mode of interaction in the Council, others assert that it varies across the different stages of the policy-making process. In practical terms, the second approach seems to be more compelling. In most negotiations at EU level it appears almost impossible to determine if negotiations reflect a bargaining situation or deliberation. However for McKibben it is widely acknowledged that EU negotiations are characterised by a 'coexistence' of both bargaining and deliberation (2010: 694).

2. Hypotheses

On the basis of the discussion above, the following three sets of hypotheses are put forward:

The Central and Eastern European EU member states' impact on the substance of the three areas of EU foreign policy depends on:

- (1) their material resources for impact including coalition building, internal unity and salience of an issue; and/or
- (2) the institutional resources for impact such as holding the Council Presidency, their ability to work through the Commission and decision-taking rule; and/or
- (3) their ideational resources for impact such as framing, persuasive argumentation and the timing of their initiative.

Against the background that the importance of these three categories of impact resources varies across the different stages of policy-making process, it can be further assumed that:

- (4) the CEECs will likely have no impact or only impact limited to the agenda-setting stage if they fail to mobilise material resources; and that
- (5) the CEECs will be likely in a position to also have an impact at the decision-making stage if they succeed in mobilising material resources supporting their initiative.

Finally, on the basis of the three different categories of the CEECs' impact which are outlined in the next section in conjunction with material and ideational sources of impact, it can be assumed that:

- (6) the CEECs will likely have a 'defensive' impact in those policy areas which represent long-standing and traditional areas of EU foreign policy and in which they lag behind in terms of both material and ideational sources of impact; and that
- (7) the CEECs will likely have 'divisive' or 'innovative' impact in those policy areas which are rather new or have a strong regional focus and in which they either can draw on material and/or ideational sources of impact.

These three sets of hypotheses are guided by the two main research questions outlined in the introduction. The first set of hypotheses addresses the

question of what accounts for the CEECs' varying impact. The other two sets of hypotheses focus on the research question of what impact the CEECs have had on the policy substance in the three areas of EU foreign policy.

3. Conceptualisation of impact

As the objective of this thesis is to identify and evaluate the 'impact' of the new EU member states on the EU's foreign policy, it is necessary to clarify what 'impact' means and how it can be operationalized.

Providing a clear-cut definition of 'impact' has difficulties. Although the term is often used it is rarely defined in the academic literature. In addition there seems to be a lack of conceptual clarity surrounding the use of the terms 'impact', 'influence' and 'cause' (Goertz 1994: 2).

Roy Ginsberg, one of the few scholars who tries to define 'impact', refers to the political impact of the EU on outsiders as 'the effects of EFP [European foreign policy] activity on nonmembers such that nonmembers modify or change the direction or substance of a domestic or foreign policy that would not likely to have occurred in the absence of the EU stimulus or EU stimulus accompanied by stimuli from other international actors' (2001: 49).

Notable 'Europeanisation' scholars such as Maarten Vink who examines how the EU has affected the domestic policies, politics, and polities of EU member states, refers to the EU's impact as 'a process of domestic political change caused (somehow) by processes of European integration' (Vink 2003: 72).

Both definitions of 'impact' have in common that they link it to effects and thereby imply that there is some kind of causal relation between an actor and/or its actions and the policy of another actor. Further both definitions assume that the 'impact' of an actor and/or its actions on another actor and/or its policies, domestic institutions or political processes occurs in the form of a modification or change of these policies, institutions or political processes. According to both definitions 'impact' presupposes some kind of activity on the part of the actor who wants to have 'impact' on another actor or its policy.

3.1 'Influence' as a component of 'impact': why both do not mean the same

A clear-cut definitional delimitation of the terms 'impact' and 'influence' seems to be difficult. Not only in International Relations but also in European Studies both terms are often used synonymously (see, for example, Risse-Kappen 1995: 13). In some cases, scholars seem to be aware of the difference between the two terms and therefore use them differently but do not further specify how and to what extent they are actually different (see, for example, Wallace 2005: 28). In other cases, scholars use 'influence' as a sub-set of 'impact' and treat both as mutually dependent (Ginsberg 2001: 52).

In this thesis the terms 'influence' and 'impact' are not used synonymously. 'Influence' as used here is treated as a component of 'impact'.

In many studies of International Relations 'influence' usually refers to 'the extent to which C's behavior causes changes (differences) in R's behavior' (McFarland 1969: 7; see for a similar definition of 'influence' Cox/Jacobson 1974: 3; Dahl 1963: 39ff.; Cartwright 1965: 3; Baldwin 2002: 178). The focus in prevailing definitions of 'influence' is on how one actor's behaviour affects and changes the behaviour, position, opinion, preferences, perceptions and expectations of another actor (Bretherton/Vogler 2006: 27).

While both 'influence' and 'impact' share a reference to changes and imply some kind of causation, 'influence' is mainly used to refer to changes in an actor's *behaviour*⁶, position, preference or choice of action, caused by the behaviour of another actor in an interactive process like negotiations. Thus, when examining 'interpersonal'⁷ relations. Cox and Jacobson describe 'influence' as a 'relationship between actors – something that emerges in the political process' (1974: 4).

To sum up, 'influence' is used here when referring to the *relationship* between actors in an interactive process. These actors can be persons, states' governments, elites, groups or institutions (Mokken/Stokman 1976: 37). Interactive processes can occur for example in the form of negotiations or deliberations.

⁶ Even if 'behaviour' is defined in a broader sense including 'beliefs, attitudes, opinions, expectations, emotions and/or predispositions to act' (Baldwin 2002: 178), it is usually rather associated with human beings or member states' governments within an interactive process.

⁷ For the interpersonal aspect of influence and power, see Goldmann 1979: 10.

In contrast, 'impact' is used when referring to changes in policies, thus to 'outcomes'. Consequently, 'influence' is 'process-' oriented, focusing on the relationship between two actors in a political process, whereas 'impact' is 'outcome-' oriented.

However, it can be argued that a member state can only have impact on, for example, the substance of EU development policy, if it is able to change the positions and preferences of the other EU member states in the development policy-making process in line with its policy preferences. Consequently, having impact on a policy presupposes a member state's influence in the policy-making process. Therefore influence is treated here as a component of impact.

Moreover, impact has two different 'faces'. The first involves changes in policies resulting from decision-making. The second refers to the prevention of change through 'nondecision-making' which can be regarded as an at least equally important form of impact (Bachrach/Baratz 1963: 641). According to Bachrach and Baratz a nondecision relies on a 'mobilization of bias' in order to 'prevent latent issues from becoming a question for decision' (*ibid.*). In a nondecision-situation an actor consciously sets up obstacles to discuss an issue in public by emphasising the importance of respecting existing values and practices in order to confine the policy-making process to relatively innocuous issues (Bachrach/Baratz 1962: 948). While a nondecision is virtually non-observable, it is possible to discern minor grievances and the mobilisation of bias aimed at keeping certain issues away from public consideration.

The 'nondecision-' form of impact is not only limited to the decision-making stage of policy-making but can also concern the agenda-setting stage through the creation of barriers to the inclusion of particular issues on the EU's agenda.

'Impact' as used in this thesis refers to the effects on the substance of EU's foreign policy that can be attributed to initiatives or activities of at least three CEECs and their respective foreign policy preferences and interests. These effects can occur either in the form of modifications and changes in the substance of EU's foreign policy or as efforts on the part of the new member states to avert change which is called 'defensive' impact.⁸

⁸ For the two directions of causation (change and continuity) see Berenskoetter 2007: 13, also Bachrach/Baratz 1962: 949. However, one could easily argue that if there is no change in EU's foreign policy, there is no effect and thus no impact of the new EU member states. To illustrate how the new EU member states can have impact on the EU's foreign policy by averting a

3.2 The anatomy of impact: what is affected, to what extent and how?

As the focus of the thesis is on the impact of the new EU member states on EU's foreign *policy*, it is necessary to define what aspects of the EU's foreign policy are being affected by the new EU member states as well as the different kinds of CEECs' impact.

3.2.1 Three different categories of the CEECs' impact

In order to assess and evaluate the CEECs' impact in a more nuanced way, I differentiate between three different categories of the CEECs' impact: defensive, divisive and innovative.

'Defensive' impact as used in this thesis is defined as the EU-8's attempts to 'defend' the distinctive features of their national foreign policies and priorities by negotiating exemptions from commitments at EU level or preventing the adoption of legislative acts or the application of soft law instruments. Defensive impact refers to all those impact attempts of the CEECs in which they successfully defended certain characteristics of their national foreign policies. Examples of the CEECs' defensive impact include the exemptions they managed to get from the EU's general commitment to increase its ODA spending to 0.7 of its GDP by 2015 and allocate 50% of this ODA increase to least developed countries in Africa. Other examples of the EU-8's defensive impact include their attempt to prevent the Commission from tabling a proposal for a regulation on the exploration of shale gas.

I regard the CEECs' impact as divisive if their impact attempts concern aspects of policy on which the EU-15 had already been deeply divided before the EU's Eastern enlargement. In such cases the CEECs' impact attempts contribute to a further deepening of an existing cleavage. Examples of the CEECs' divisive impact include the EU-8's calls for a stricter application of EU conditionality in the European Neighbourhood Policy and in EU development cooperation or their request for a membership perspective for some Eastern ENP partners.

change, a case in point is the use of a veto, for example by Slovenia against the opening of further accession negotiation chapters with Croatia.

I categorise the CEECs' impact as innovative if the EU-8 managed to bring in innovative policy proposals or introduce new approaches or policy instruments in the three areas of EU foreign policy resulting, for example, from their particular expertise in a policy area or their particular experience. Examples of the CEECs' innovative impact include the proposal for the European Transition Compendium as a new policy instrument complementing the EU's existing aid toolbox or the emphasis on the special status of energy islands in the EU's energy security.

3.2.2 Impact on what?

There are several possibilities with regard to the question of which aspects of the EU's foreign policy are being affected by the new EU member states when examining their impact on EU's foreign policy. Drawing on the insights of Europeanization research, Radaelli for example, suggests examining policy change alongside the different aspects of an EU policy such as actors, policy instruments, policy problems and policy style (2001: 113f.). Others such as Liefferink and Jordan differentiate between the content of a policy, policy structures and policy styles (2004: 1ff.). To keep the research manageable, the thesis focuses on the new member states' impact on the *content* of the EU's foreign policy. In the following, I outline what is actually meant by policy content.

Policy content

Policy content or substance as used in this thesis is broken down into three different components⁹: the geographical coverage of a policy, what I call the 'geographical' dimension of a policy; the strategic dimension of a policy; and the 'instrumental' dimension of a policy. This subdivision of policy content allows for a systematic and comprehensive assessment of the effects of the new EU member states on EU foreign policy.

The 'geographical' dimension refers to the regional focus and geographical coverage of a policy. Usually, every single EU policy focuses on one or several regions. EU development policy is a good example where the

⁹ For a similar differentiation with three levels of policy content see Hall 1993: 278; Liefferink/Jordan 2004: 36; Van Reisen 2007: 50ff.

geographical coverage includes the ACP countries, Asia, Latin America and the Gulf region.

The 'strategic' dimension comprises the priorities, principles and aims of a policy. Policy goals do not only determine the priorities of a policy but also what is actually addressed as a problem in a particular policy.

The 'instrumental' dimension refers to the policy instruments used in order to attain the stipulated policy goals including their elaboration, their implementation and their settings. Policy instruments can comprise financial instruments such as the ENPI in the European Neighbourhood Policy, political instruments such as political dialogues or demarches and legal instruments such as agreements. The settings of policy instruments mainly apply to financial instruments and refer to stipulated levels such as the member states' contribution to the EDF (European Development Fund).

3.2.3 Levels of impact

In order to be able to evaluate impact, reliable and reasonable indicators are needed. There are several different ways for evaluating impact. One way is the so-called EAR method. It was introduced for the first time by Arts and Verschuren in 1999. The EAR method relies on member states' representatives' perceptions of their country's own impact (Ego) and the impact of other EU member states (Alter). Data on perceptions is usually gathered within the framework of elite interviews. Their perceptions of impact are then cross-checked and supplemented with the findings of the researcher's further analysis. Arts and Verschuren determine the level of a member state's impact according to three criteria including goal achievement, the political importance of the outcome and the extent to which the outcome is the result of a member state's actions (1999: 419ff.; also Vandecasteele/Bossuyt/Orbie 2013: 5).

The thesis draws on insights of the EAR method. It complements and develops the indicators suggested by Arts and Verschuren further. To determine the level of a member state's impact on the substance of EU foreign policy, four indicators are used: the extent or magnitude of changes induced by a member state/group of member states; the extent to which the change corresponds to its/their preferences; the relevance of the outcome; and the extent to which the change can be attributed to these member states' impetus

or contribution.¹⁰ These are four analytically distinct steps on the way to evaluating impact. For the sake of clarity, I will distinguish between ‘no impact’, ‘marginal impact’ and ‘considerable impact’ depending on the outcomes obtained at the four different analytical stages.

The extent of policy change

Europeanization scholars such as Radaelli (2001 and 2003) differentiate between three degrees of policy change, whereby ‘inertia’ stands for no change, ‘absorption’ denotes slight modifications and ‘accommodation’ stands for significant changes.

To make it easy to follow and due to the fact that it is very subjective¹¹ whether a change is classified as ‘considerable’ or ‘significant’, I will differentiate between three degrees of policy change, starting with ‘no change’, ‘marginal’ change and ‘considerable’ change. Yet it remains to be defined when a change is to be classified as marginal and when as considerable.

Table 2.1 attempts to summarise the various magnitudes of policy change. When examining changes in the policy content along the three different policy components changes will be classified as ‘marginal’ when they include ‘cosmetic’, slight or rhetorical modifications which are not legally binding, are not incorporated in any relevant documents and do not entail any changes in the policy implementation. ‘Marginal’ changes can occur in the form of a reformulation of policy declarations, policy goals and priorities, or a recalibration of policy instruments, without changing core elements and without any tangible effects on the policy implementation. Changes will be classified as ‘considerable’ when they include substantial and tangible modifications that are legally binding and incorporated in relevant documents. Considerable changes can occur for example in the form of new or changed instruments with tangible effects on policy implementation, new or substantially changed aims and priorities, or the inclusion of previously neglected regions.

¹⁰ See for these three different steps needed to quantify impact: Risse-Kappen 1995: 13; Haverland 2006: 135; Ginsberg 2001: 51ff.

¹¹ On this particular problem, see Radaelli 2001: 117.

Table 2.1: Magnitude of policy change

	Policy		
<i>Magnitude of change</i>	<i>Policy content</i>		
	Regional coverage	Goals and priorities	Instruments
Marginal change	'Cosmetic', slight or rhetorical modifications		
	Reprioritisation without any implications for the instruments	Reformulation without changing their 'core' elements	Recalibration
	<ul style="list-style-type: none"> - legally non-binding - not incorporated or reflected in relevant documents 		
Considerable change	Substantial and tangible changes		
	Inclusion of previously neglected regions Different prioritisation of particular regions	New or substantially changed aims or/and priorities	New or substantially changed instruments
	<ul style="list-style-type: none"> - legally binding - incorporated in relevant documents - tangible effects on policy implementation 		

Evaluating impact in the EU policy-making process

The extent to which a change corresponds to a member state's preference can vary according to the different stages of the EU policy-making process. Member state's impact at the agenda-setting stage is different from its impact at the decision-making stage. Before outlining how member state's impact at the different stages of the policy-making process can look like, I will briefly outline the three stages of the EU policy-making process.

The EU policy-making process provides many different 'points of access' for EU member governments to feed in their particular national foreign policy preferences (Wallace 2005: 29ff.). The following section first, outlines the three main stages of the EU's decision-making process and subsequently specifies

how member governments' impact is evaluated along these three different stages.

Three stages of the EU policy-making process

The policy-making process in the EU can be roughly subdivided into three different stages, namely (a) agenda-setting, b) decision-making, and c) implementation. A policy cycle usually begins with an issue of concern being placed onto the agenda of an actor (for example the European Commission, a Directorate-General or the Council) (Young 2010: 46). This stage is commonly referred to as the agenda-setting stage. As Peters states, agenda-setting in the context of the EU 'is an initial crucial *veto point* in the policy process' (2001: 78). Topics only become 'issues' when the actors involved in the policy process disagree about how to proceed with them. 'Issues' are therefore associated with either 'conflicts [between different EU actors] over new topics' or with 'new conflicts over old topics' (Princen 2007: 24). Issues on the EU's agenda can be either exogenous, coming from the environment in the form of crises or events, or endogenous, stemming from interests or preferences of particular actors such as member states' governments or the European Commission which act as the 'policy entrepreneurs' in the policy-making process (Pollack 1997: 121). Pollack distinguishes between 'formal or procedural' and 'informal or substantive' agenda setting (1997: 101). The first refers to the legal provisions defining who has formally and *de jure* the right to set the agenda. This varies according to the different policy areas. The second refers to the ability of an actor to set the EU's *substantive* agenda by 'framing' a topic as an issue of EU concern with widely accepted policy options how to proceed, regardless of whether it has the formal right to do so (Tallberg 2003: 6).

The agenda-setting stage is usually followed by a policy formulation process. Once the range of policy options has been narrowed down, the actors decide on the further course of action what is usually referred to as the decision-making process. The decision-making process in the EU varies across the different policy areas according to the different legal competences of the EU institutions. On issues related to foreign and security policy, the Council usually decides by unanimity. As every EU member state constitutes a 'veto player' under unanimity voting in the Council, it is at this particular stage where the

policy preferences of the individual EU member governments are most relevant. After a policy decision has been taken at the EU level, it has to be put into effect. The policy implementation stage is of particular importance as decisions at the EU level often contain vague phrasing which leave scope for interpretation (Young 2010: 59).

In the EU policy-making process it is sometimes difficult to determine whether issues are still at the agenda-setting stage or already at the decision-making stage. The transitions between the two stages are often fluid. If there is agreement on an issue already at the preparatory level such as Council Working Party, the discussions in the Council Working Party have been part of decision-making. If issues are controversial and cannot be solved at the preparatory stage, they are forwarded to COREPER which marks the beginning of the decision-making process. In such cases the discussions in the Council Working Group formed part of the agenda-setting stage as the issues could not be settled at this level (for this problem, see Vandecasteele/Bossuyt/Orbie 2013: 8). Most issues can be solved in the Council Working Groups (*ibid.*: 9). A similar problem exists with the distinction between the decision-making and implementation stage. In EU foreign policy decision-making and policy implementation are often one and the same 'act' as many of the EU's foreign policy decisions contain detailed provisions as to implementation. This is different when it comes to sanctions towards third countries, missions or particular programmes which are decided at the European level but need to be either implemented or concretised by the member states at the national level.

Evaluating impact at the agenda-setting stage

While all member governments are keen to have their particular issues placed on the EU's agenda, their success differs significantly. Tallberg distinguishes between three different forms of member states' impact on the EU's agenda: 1) agenda-setting refers to the placing of new issues on the EU's agenda; 2) agenda-structuring refers to the varying degree of emphasis placed on the issues which are already on the EU's agenda; and 3) agenda exclusion refers to the efforts of member governments to prevent issues from being placed on the EU's agenda (Tallberg 2003: 2). Council Presidencies, for example, can deliberately exclude some issues from the EU's agenda.

All three forms of agenda-shaping are equally available to formal and informal EU agenda-setters. In EU foreign policy the Council Presidency for example is a typical formal agenda-setter.¹²

Determining whether, and to what extent, an EU member state has impact on the EU's agenda is not an easy task. As Tallberg points out, 'Typically, influence [at the agenda-setting stage] is equated with the introduction of new issues on the agenda' (2003: 2). Peters argues that impact at the agenda-setting stage is not only about getting an issue placed on the EU's agenda but also about the particular form of its placement (2001: 81). Princen takes this point even further by stating that impact at the agenda-setting stage 'is a matter of degree rather than a matter of simply being *on* or *off* the agenda' i.e. moving the issues up or down the agenda (2007: 28). All three definitions seem relevant. Whereas Tallberg's and Peters' definition of impact refers to the typical activities of a 'policy entrepreneur' at the agenda-setting stage, Princen's definition refers to the structuring of the EU's agenda. But from a methodological point of view all three seem to be problematic. First, it is very difficult to identify where an issue on the EU's agenda has come from or whether it has moved up or down the EU's agenda. Second, it is arguable whether all three forms of agenda-shaping are equally effective in terms of impact. Thus it can be easily argued that placing new issues on the EU's agenda (agenda-setting) is more difficult to achieve than moving them up or down the EU's agenda (agenda-structuring). They all specify under which conditions 'policy entrepreneurs' succeed in having impact at the EU's agenda-setting stage (see, for example, Kingdon 1995).

The evaluation of impact at the agenda-setting stage in this thesis takes account of both member states' ability to put issues on the EU's foreign policy agenda and member states' success in pushing already existing issues on the EU's foreign policy agenda higher. An example of the first is Lithuania's successful attempt to pressure the Commission to prepare a report on the EU's energy security in autumn 2013 which was supposed to provide the basis for the adoption of the subsequent Council report at the end of its Council Presidency. An example for the second is the negotiations on the

¹² This has changed under the Lisbon Treaty, which has also conferred formal agenda-setting power upon the permanent President of the European Council and the High Representative of the Union for Foreign Affairs and Security Policy.

implementation of the 'more for more' and 'less for less' approach in the new ENI regulation which will be examined in detail in chapter 6.

Evaluating impact at the decision-making stage

Impact on decision-making within the framework of EU foreign policy is usually associated with bargaining power or bargaining success or simply power (see, for example, Arregui/Thomson 2009: 656; Bailer 2010: 743; Ruse 2009: 1; Copsey/Pomorska 2010: 304). In order to evaluate member states' impact on EU decision-making, there needs to be initial disagreement or conflict among EU actors over what measures should be taken in order to solve a policy problem. In general, member states can only have impact on the EU decision-making process through participation (Ojanen 2000: 23). Member governments can do so by, for example, making proposals for compromise, steering debates, bargaining, presenting new and convincing arguments (deliberation) or building coalitions on a particular issue (Dür/Mateo 2010: 562).

But how can impact or bargaining success be measured? The main method used compares the states' policy positions or preferences taken at the outset of the decision-making process with the final outcomes. The extent of impact or bargaining success is then deducted from the level of congruence between a state's initial position and the final decision taken at the EU level (Arregui/Thomson 2009: 656). Others focus on situations where there is significant disagreement among EU member states, compare the preferences of one particular EU member state with those of others and/or EU institutions and then draw conclusions about the extent of impact (Nasra 2010: 8). Both strategies for evaluating impact prove to be problematic for three reasons. Firstly, member states' positions and preferences in EU negotiations can differ in EU negotiations for strategic reasons (Bailer 2005: 12). Secondly, whereas the intensity of preferences is relevant to a member state's impact on EU decision-making, it remains unclear how to measure it (Romsloe 2004: 14). Thirdly, evaluating a member state's impact on the basis of the outcome proves to be particularly problematic in situations where the outcome only partially reflects the preferences of a member government or where member governments have similar preferences. However, due to the lack of alternative strategies, the following study evaluates member states' impact by comparing

their initial preferences and positions with the final outcome. Process tracing can help to overcome some of the above-mentioned challenges.

The relevance of policy outcomes

The level of a member state's impact also depends on the relevance of the policy outcome. As outlined above, changes in the substance of a policy can be reflected in soft law instruments and or legislative acts. While soft law instruments are legally non-binding, in certain cases they can be politically highly relevant. One example for relevant soft law instruments represents the European Consensus on Development. The relevance of policy outcomes also depends on their reach. Some are limited to the EU level. Others reach out to the multilateral level such as the declarations of the Eastern Partnership Summits.

The extent to which a policy outcome can be attributed to a member state

The extent to which a policy outcome is the result of a member state's contribution is an important indicator to determine the level of its impact. If an outcome corresponds to a large extent to a member state's preference, is legally-binding and implies significant change, still it does not automatically mean that the respective member state had considerable impact. It is necessary to determine to what extent this member state has contributed to this outcome. Therefore if there was a broad majority in the Council in favour of an issue, the respective member state did not need to overcome opposition or actively lobby for the outcome. In such cases the outcome cannot be attributed only to the involvement of this member state. In order to avoid such overestimations, in line with the rule set up by Vandecasteele, Bossuyt and Orbie the level of a member state's impact cannot be higher than the extent to which it can be attributed to its contribution only (2013: 6).

4. Conclusions

This chapter has outlined the theoretical and analytical framework for identifying and analysing the EU-8's impact on the substance of the three areas of EU

foreign policy. To determine the level of a member state's impact, this thesis will use four indicators: the magnitude of policy change; the extent to which an outcome corresponds to the preferences of the member state; the relevance of the policy outcome; and the extent to which a policy outcome is the result of a member state's contribution. In terms of magnitude of policy change, the impact of a member state can be classified as considerable if the outcome introduces new aspects to the regional coverage, the goals and/or policy instruments which have tangible implications for the implementation of the policy and can be attributed to the contribution of mainly this member state. Based on the extent to which a policy outcome reflects the preferences of a member state, its impact can be regarded as considerable if the outcome largely takes account of its preferences and can be attributed mainly to its input. Moreover, its impact can be regarded as considerable if the policy outcome is either politically highly relevant or legally binding and/or reaches out to the multilateral level and can be attributed to its contribution.

Chapter 3

The Central and Eastern European EU member states' development policies and EU development policy: irreconcilable differences?

1. Introduction

The EU is a unique donor of development aid. Its development policy has two different dimensions (Carbone 2011a: 326). On the one hand, the EU is a bilateral donor, giving aid to developing countries within the framework of what was formerly known as the European Community (EC). When referring to this dimension of EU development policy, the term 'EC development policy' is used.¹³ EC development aid is financed from both the EU's general budget and the European Development Fund (EDF), a separate fund for granting foreign assistance to the African, Caribbean and Pacific (ACP) countries. The financial resources available for EC development aid are managed by the European Commission in conjunction with the Council and the European Parliament. On the other hand, the EU is a multilateral donor coordinating the development aid efforts of its twenty-eight member states as all EU member states also pursue bilateral (national) aid policies (Carbone 2011a: 326). Indeed, member states' (bilateral) aid resources account for the largest share of EU aid. Despite gradual increases in EC aid, it is only the sum of both dimensions that makes the EU the biggest provider of development aid in the world (Van Seters 2011: 25). From 2004 to 2013 the EU and its twenty-eight member states combined accounted for over fifty per cent of the total net DAC Official Development Assistance (ODA) (Commission 2014d: 3). This amounted to EUR 53.6 billion in 2013. When referring to this dimension of EU aid, the term 'EU development policy' is used.

The parallel existence of EC development policy and twenty-eight member states' development policies has its origins in the Treaty of Rome. Since then, this dichotomy has become a 'structural component' of the EU's development policy and is also reflected in the Treaty provisions on EU

¹³ This formal and legal distinction between the terms 'EC' and 'EU' is not used anymore under the Lisbon Treaty as with its coming into force the EU succeeded the legal personality of the EC. For the sake of clarity, however, I will continue to use the term 'EC development policy' when referring to aid efforts at the EU level and the term 'EU development policy' when referring to the sum of the EC's and member states' bilateral development policies.

development cooperation (Carbone 2011a: 326). Development cooperation is a shared competence between the EU and its member states.

The following chapter gives a broad overview of the key features of EC development policy including its general goals, main instruments, key actors and the decision-making process. It further seeks to highlight the main differences between the development policies of the 'old' member states (EU-15), the eight CEECs, and EC development policy. It offers the necessary background information to better understand how the EU-8 could affect the EC's/EU's development policy. This background chapter sets the scene for the analysis of the EU-8's impact on the EC's/EU's development policy that is carried out in the next chapter.

This chapter is subdivided into two main sections. In the first section, I outline the origins, the main objectives, instruments and key actors in EC development policy as well as the decision-making process. The second section focuses on EU development policy and sets out the main differences between the development policies of the old member states, the EU-8 and the EC with regard to the historical background of their development policies, the volume and geographical allocation of aid, the aid delivery mechanisms, and the preferred thematic sectors in development aid.

2. EC development policy

Development policy is 'at the heart of the European Union's external action' (Ashton 2010: 3). Compared to most EU policies, development policy is a traditional and long-established area of the EU's external action that is as old as the EU¹⁴ itself. Although formally it was not until 1993 that a separate chapter on development cooperation was included in the Maastricht Treaty, the origins of EC development policy go back to the Treaty of Rome in 1957 (Lightfoot 2010: 330; Van Reisen 2007: 59). The Treaty of Rome, which established the EEC, included already several provisions on the association of the six founding members with their former colonies in Africa, with the aim of promoting the economic and social development of these countries (Carbone 2007: 31). France insisted on the inclusion of the principle of association of French

¹⁴ The EU has its origins in the European Economic Community (EEC) which was renamed in 1993 European Community. In 2009 the European Community was replaced by the EU.

Overseas Countries and Territories (OCTs) with the EC (Van Reisen 2007: 31). The association of former French and Belgian colonies as laid down in the Treaty of Rome involved not only the creation of a free trade area between the EC and the OCTs but also provided, in the form of the EDF, an instrument for sharing the financial burden of European colonialism. Thus, the early years of EC aid was rather 'an adjunct to French policy than a distinctive Community approach to development' (Bretherton/Vogler 1999: 113). Even years after its creation, EC development policy was still dominated by France and from 1958 to 1984 all European Commissioners in charge of development aid were French (Carbone 2007: 39).

As a result of the EC's first enlargement in 1973, EC development policy was extended to the members of the British Commonwealth as well as other colonies, but excluded Indian subcontinent countries. Since then, it has gradually evolved into a policy with global reach covering all developing countries and regions in the world. This geographical expansion of European development policy was not least due to the successive enlargements of the EU, which have continuously widened its regional coverage and increased its range of approaches and instruments (Van Reisen 2007: 59).

2.1 The objectives of EC development policy

The primary and overarching objective of EC development cooperation is the reduction and eradication of poverty as stipulated in Article 208 (1) of the TFEU. This central objective is also reflected in the EC's main aid instruments such as the DCI and the EDF, which list the reduction and eradication of poverty as the overarching goal of EC development cooperation in conjunction with sustainable development and the pursuit of the Millennium Development Goals (MDGs) (Varrenti 2010: 15).

The Lisbon Treaty also enumerates several general development-related objectives such as the consolidation and support of democracy, rule of law and human rights, the promotion of 'sustainable economic, social and environmental development of developing countries', their integration into the world economy, the preservation of peace, the strengthening of international security, the prevention of conflicts and the respect for the principles of the UN Charter (Art. 21 (2), TEU; Schrijver 2009: 179ff.). Moreover, Article 208 (2) of the TFEU lays

down that the EU and the member states should 'comply with the commitments and take account of the objectives' they have subscribed to within the framework of the UN and other international organisations.

Despite the rhetorical and formal commitment to poverty eradication as the main objective of EC development aid, the breakdown of EC aid by income group suggests the disbursement of EC aid that could be interpreted as running counter to this declared aim (Orbie/Versluys 2008: 80). Indeed, middle-income countries (MICs) disproportionately benefit from EC aid. In 2009, the share of EC aid allocated to Upper Middle Income Countries (UMICs) accounted for 19% of EC aid. This was 10% more than the DAC average spending the same year (Gavas et al. 2011: 4).

However the coexistence of several different, sometimes conflicting, objectives of EC external action such as the promotion of democracy or security alongside the main goal of poverty eradication implies that in reality the focus of EC aid on this declared aim is much less clear-cut than formally stated.

2.2 The main aid instruments in EC development cooperation

Development cooperation represents 'one of the few policy domains where the Union can draw on the power of the purse' (Orbie/Versluys 2008: 75). EC aid resources are coming from both the regular EU budget, which is set up every seven years within the framework of the negotiations on the financial perspectives, and the EDF.

To disburse EC aid, the EU has a range of various financial instruments at its disposal comprising three geographic aid instruments and five thematic aid programmes (Van Seters 2011: 26). The geographic instruments include the EDF, the ENPI and the DCI.

The EDF is the main instrument for financing the EC's development assistance to the ACP countries.¹⁵ From a historical point of view, the ACP countries, consisting of 79 states in Africa, the Caribbean and the Pacific, have always been given priority over other developing countries in EC development cooperation (Keukeleire/MacNaughton 2008: 214; Olsen 2005: 574). The EDF does not form part of the regular EU budget but is a separate fund set up

¹⁵ The EDF also finances the EC's assistance to the Overseas Countries and Territories (OCTs).

outside the EU budget. It had a budget of 22 682 million EUR for the period 2007 to 2013.

ENPI is the EC's main instruments for financing assistance to the 16 countries in its southern and eastern neighbourhood and Russia.¹⁶ It had a total budget of EUR 11 181 billion for the period 2007 to 2013 which increased to EUR 15 432 million for the period 2014 to 2020, of which roughly two thirds are allocated to countries in the southern neighbourhood and one third to countries in the eastern neighbourhood.

The DCI finances the EC's development assistance to 47 developing countries in Latin America, Asia and Central Asia, the Gulf region and South Africa. It had a total financial envelope of EUR 16 897 million for the period 2007 to 2013 which increased to 19 661 million for the period 2014 to 2020.

The DCI also finances the EC's assistance to developing countries in six different thematic areas such as environment, food security, migration and asylum, non-state actors, investing in people and the restructuring of sugar production (Carbone 2007: 35).¹⁷

2.3 Key actors in EC development policy-making

The main actors in EC development policy are the European Commission, the Council, the European Parliament (EP) and since 1 January 2011 the European External Action Service (EEAS).

A review of the existing literature shows that scholars are divided over who drives and shapes EC development policy. On the one hand, proponents of intergovernmentalism consider EU member states and their preferences to be the driving forces in EC development policy-making (for example, Cosgrove-Sacks 1999). They demonstrate, for example, that the adoption of the Lomé Convention was the result of the convergence of French and British interests (Cosgrove-Sacks quoted in Carbone 2011c: 162). Counter to this state-centric

¹⁶ The new ENI regulation for the period 2014 to 2020 will provide funding to the ENP countries but not to Russia anymore.

¹⁷ For the financial envelopes of DCI and ENPI for the period 2007 to 2013 see European Parliament and Council 2006a: Art. 38 and 2006b: Art. 29. For the financial envelope of the 10th EDF see European Commission DG DevCo website <http://ec.europa.eu/europeaid/how/finance/edf_en.htm> [Last access 24.07.2014]. For the financial envelopes of the instruments for the period 2014 to 2020 see European Parliament and Council 2014a: Art.17; European Parliament and Council 2014b: Art. 10 and Council 2013c: 2.

view, supranationalists argue that EC development policy is primarily shaped by the European Commission, which often takes the lead in the EC policy-making process (Carbone 2011c: 162).

The following section outlines the roles played by the various actors such as the Commission, the EEAS, the Council and the EP in the EC development policy-making process.

2.3.1 The European Commission

The formal right of initiative in EC development policy rests with the Commission. It can propose new legislation in the area of EC development policy either on its own initiative or on the initiative of the Council or the EP. Moreover, it contributes to the formulation of EC development policy through its communications or proposals, and implements it (Orbie/Versluys 2008: 68). In addition, it is involved in the management and programming of EC aid instruments and responsible for the coordination of the member states' national development policies (Gavas/Koeb 2010: 2). It carries out these tasks in conjunction with the Council and the EP.

Before the entry into force of the Lisbon Treaty, there were three separate Directorate-Generals (DGs) within the European Commission dealing with EC development aid. DG Development was in charge of initiating and devising the general European development policy (towards all developing countries and regions) and exclusively responsible for the management of the EC's development policy towards the ACP countries.

DG RELEX was in charge of the EC's development policy towards all other developing countries in Asia, Latin America, the Gulf region and the EU's Eastern and Southern neighbourhood within the framework of the DCI and the ENPI. It also managed the thematic instruments of EC development policy, such as the EIDHR. DG EuropeAid then implemented the development aid programmes of both DGs.

The enforcement of the Lisbon Treaty entailed an institutional reorganisation. DG Development and DG EuropeAid were merged into one single new DG, DG Development and Cooperation – EuropeAid, which is responsible for the management of EC development policy towards all developing countries and regions. DG Development and Cooperation –

EuropeAid (DevCo) is now in charge of the whole programming and management cycle of the EDF and DCI (including the implementation of the aid programmes). The newly established EEAS, which comprises officials from the General Secretariat, the European Commission and the diplomatic services of member states, contributes to the first three stages of the programming and management cycle for the EDF and DCI.

2.3.2 The Council

The Council plays a significant role in EC development policy-making. In the area of EC development cooperation, it has legislative power and decides, usually in conjunction with the EP, on the adoption of legislative acts. Apart from the EDF, most legislative acts pertaining to EC development policy are adopted by the ordinary legislative procedure according to which the Council and the EP have co-decision power. Under the co-decision procedure, the Council is usually requested to decide by qualified majority voting (QMV). Under QMV a legislative act is adopted if at least 15 countries in the Council representing at least 260 of the total 352 voting weights and 311 million people of the total EU population vote in favour of the act. The voting is weighted as shown in Table 3.1.

Soft law instruments in EC/EU development policy refer to all forms of instruments, which are not legally binding and ‘rest solely on their moral force’ (Carbone 2007: 50). These include, for example, recommendations and opinions issued by the Council or the EP but also conclusions, statements or resolutions adopted by the FAC usually by consensus. The Commission’s various policy documents such as green papers, communications and staff working papers also fall in this category (De Toma 2011: 19).

Table 3.1: Member states’ votes in the Council

Member state	Number of votes
EU-15	
Austria	10
Belgium	12
Denmark	7
Finland	7
France	29
Germany	29
Greece	12

Ireland	7
Italy	29
Luxembourg	4
Netherlands	13
Portugal	12
Spain	27
Sweden	10
United Kingdom	29
EU-15 total	237
EU-8	
Czech Republic	12
Estonia	4
Hungary	12
Latvia	4
Lithuania	7
Poland	27
Slovakia	7
Slovenia	4
EU-8 total	77
Others	
Bulgaria	10
Cyprus	4
Malta	3
Romania	14
Croatia	7
Total	352

Source: Council 2012h: Art. 20.

Before the Lisbon Treaty's entry into force, the General and Affairs and External Relations Council (GAERC) was the most important decision-making body within the Council (Carbone 2007: 49). Its meetings were prepared and chaired by the country holding the Council Presidency, which rotated every six months.

With the Lisbon Treaty the GAERC was split up into two different Council configurations, the Foreign Affairs Council (FAC) and the General Affairs Council (GAC). Apart from the EU's foreign and security policy, the FAC also deals with development cooperation. It meets once a month and brings together all 28 member state Ministers of Foreign Affairs. In contrast to other Council configurations, which are chaired by the respective minister from the country holding the Council Presidency, the FAC is chaired by the Union's High Representative for Foreign Affairs and Security Policy (except for FAC meetings related to commercial policy). At least two sessions of the FAC per year are devoted exclusively to development cooperation. In addition to the formal meetings of the FAC dealing with development cooperation, there are also informal meetings of the member state Ministers for Development Cooperation, which are usually convened by the country holding the Council Presidency.

Within the Council, there are several working groups dealing with development policy. The most important is the Council Working Group on Development Cooperation (CODEV), where all general EC development policy related issues and proposals are discussed. CODEV is also responsible for the drafting of development policy related Council Conclusions, statements and other secondary legislation (Carbone 2007: 49). It comprises officials from the Permanent Representations of the member states and meets on a weekly basis. However, the members of CODEV do not vote on issues.

2.3.3 The European Parliament

The role of the European Parliament in EC development policy is limited but should not be underestimated. Development policy constitutes the only area of EU external action in which the European Parliament has co-decision power with the Council (Carbone 2007: 50). Its co-decision power applies to regulations establishing the development aid instruments such as DCI and ENPI and to measures necessary for the implementation of development policy (Art. 209, TFEU), but not to the EDF. The EP also decides on the adoption of the EU budget and has the last say on the non-compulsory expenditures, which also comprise expenditures on development cooperation (*ibid.*). Within the EP, a special committee, the Committee on Development (DEVE), deals with development policy related issues.

3. Preliminary conclusion

This section has given a brief overview of the main objectives, instruments, key actors and rules in EC development policy-making. As should have become clear, member states play a vital important role in the EC development policy-making process. For this reason it seems necessary to highlight the key characteristics of their national development policies as these determine to a large extent also their preferences and priorities in EC development policy-making.

4. Member states' development policies: Same same but different

By specifying the main cleavage between the development policies of the EU-15 and the EU-8, this section aims to identify those aspects of development cooperation that are highly relevant to the Eastern newcomers and could turn out to be contentious in EC development policy making. The comparison is based on the assumption that a member state's national development policy usually is a good indicator of its interests, priorities and preferences in EC development policy.

The following comparison cannot and does not seek to be exhaustive. It could be even criticised for being stylised, when taking into account that the EU is a 'heterogeneous multitude of development cooperation traditions and experiences' where neither the EU-15 nor the EU-8 form one single coherent group but differ significantly in terms of interests, geographical orientations, thematic preferences, and aid rationales (Skok 2008: 1). Nevertheless, it will be possible to identify certain characteristics which distinguish the development cooperation of the EU-8 from that of the EU-15 and the EU institutions.

In quantitative and qualitative terms, the group of the so-called 'like-minded' countries stands out. It comprises Denmark, Luxembourg, Ireland, the Netherlands, Sweden and UK, whose development policies are characterised by high volumes of aid disbursed preferably via programmes and in an 'untied' form with a strong focus on poor and relatively democratic recipients (Carbone 2011a: 342). In contrast to the like-minded group are countries such as France, Italy, Spain, Belgium, Portugal and Greece, which allocate their aid mainly on the basis of strategic considerations or former colonial ties (*ibid.*). Southern member states have in general low volumes of aid mainly allocated via projects to less poor and undemocratic recipients (Carbone 2011c: 163).

Despite the various differences among member states' development policies, it is also possible to identify several characteristics which are common to the development policies of all Central and Eastern European member states and which clearly distinguish them from the development policies of the EU-15 and the EC (Bucar/Mrak 2007: 2). Their aid volumes are usually lower than those of the EU-15 despite significant increases since their accession to the EU. Development cooperation is often regarded as a low priority by the governments in these countries. In addition, public support and awareness

about development cooperation are still low. The main beneficiaries of the EU-8's aid are MICs in Eastern Europe, the Western Balkans and Central Asia (Carbone 2011b: 153). An analysis of their preferred aid recipients further suggests that they provide assistance on the basis of strategic or security-related considerations (*ibid.*). Although there are some signs of adaptation to the EU mainstream by the Czech Republic and Poland, which have begun to provide assistance to Sub-Saharan countries, it still seems reasonable to assume that the distinction between 'old' EU member states and the CEECs is highly relevant and well justified in the area of EC/EU development cooperation (see, also, Horky 2010: 26).

4.1 The historical background: The CEECs as (re-) emerging donors

Against the widely held view that development cooperation is a 'completely new' policy area for the CEE states where they had to 'start from scratch' (Interview-EU_7), the majority of the CEE states have a long tradition of providing aid to developing countries dating back to the Cold War era (Kragelund 2008: 559). Indeed only the Baltic States and Slovenia can be regarded as 'emerging' or new donors as they became independent in the post Cold War period (Carbone 2004: 244; Bucar/Mrak 2007: 4). Poland, the Czech Republic, Slovakia (at that time Czechoslovakia) and Hungary can be considered as re-emerging donors (Kragelund 2008: 562).

The Visegrád countries and the Baltic States were, during the era of communist rule, members of the Council for Mutual Economic Assistance (CMEA), either in their own capacity (i.e. Poland, Hungary, and the former Czechoslovakia) or as part of the former Soviet Union (i.e. the Baltic States). Within the framework of the CMEA they provided development aid subsumed under programmes such as 'technical and scientific cooperation' or 'north-south dialogue' to 'political allies and friendly countries which were pursuing socialist goals' (Carbone 2007: 47). Comparable to some Western donors' aid programmes, the aid efforts of the CEE states were primarily ideologically and politically motivated and consisted of providing concessional loans, equipment in the industrial and energy sector, experts, engineers and technical know-how, as well as scholarships (Szent-Ivanyi/Tetenyi 2008: 576). Their aid efforts were targeted at developing countries 'on the road to socialism' such as Cuba,

Vietnam, Ethiopia, Mongolia, Cambodia, Laos, or Angola (Bucar/Mrak 2007: 4; Szent-Ivanyi 2010: 13). With the collapse of the Soviet bloc and the end of the Cold War, the ideological and political rationale behind the foreign aid policies of the CEE states faded away (Lightfoot/Lindenhovius Zubizarreta 2010: 177). Due to the political and economic transition process, which was taking place in all the CEE states, their GDPs declined dramatically in the early years of transition. As a consequence, all CEE states suspended their aid programmes and instead became major recipients of foreign aid from the EU and other Western donors. This had only slowly begun to change by the mid-1990s when they were given the perspective of EU membership. Driven by the necessity of harmonizing their policies with the *acquis communautaire* as a precondition for EU accession, they re-launched their own foreign aid policies (Lightfoot 2008a: 129).

Many aspects of the CEE states' development policies during the Communist era and the transition process have prevailed and still affect their current international development policies, also within the framework of EC development policy. Against this historical background, one interviewee from a CEEC stated: 'Naturally, our approach to development cooperation is a bit different than that of the EU-15' (Interview-NMS_20). Their post 1989 experience in development aid is mainly limited to that of being recipients of development aid.

Due to the lack of a colonial background and only limited cooperation with the African countries during the Communist era the CEE states' relations with the ACP countries are not as strong or as deep as those of the majority of the EU-15 (Skok 2008: 10; Lightfoot 2008b: 20). The Baltic countries have basically no experience with African countries (Lightfoot 2010: 340). Estonia, Latvia, Lithuania and Slovenia have each only one embassy in Africa, namely in Egypt. To many CEE states the basic principles and practices of EC development policy are indeed 'new' as the aid they provided to developing countries during the Communist era was largely tied, based on projects and not necessarily oriented toward poverty reduction (Lundsgaarde 2011: 3). The architecture of aid policy in these countries therefore still suffers from a high fragmentation and lack of adequately qualified staff (Lightfoot/Lindenhovius Zubizarreta 2010: 179). To sum up, there are widely acknowledged disparities

between the development policies of the EU-8, the EU-15 and EC, which will be highlighted in the following subsection (Skok 2008: 8).

4.2 Disparities in aid volumes

A comparison of the ODA levels of the EU-15 with those of the EU-8 reveals wide gaps between the experienced Western donors and the (re)-emerging Eastern EU donors. Altogether, the spending of the EU-8 together with Cyprus, Malta, Bulgaria and Romania on development assistance corresponds to roughly 1% of the total EU spending on development (Horky 2010: 14). Although some of the CEE states such as Lithuania have even doubled their spending on development since 2002, which is certainly a remarkable achievement, they are still far from the EU-15 average spending on aid.

As Table 3.2 shows the ODA levels of the EU-15 also differ, in certain cases, significantly from each other, taking, for example, those of Greece and Sweden. It can be even argued that some of the CEE states such as Slovenia or the Czech Republic do not lag far behind the ODA levels of some less generous old EU member states such as Italy (Lightfoot 2008b: 4).

Table 3.2: EU-15 and EU-8 ODA as share of GNI, 2004 to 2013

Time	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Austria	0.23	0.52	0.47	0.50	0.43	0.30	0.32	0.27	0.28	0.28
Belgium	0.41	0.53	0.50	0.43	0.48	0.55	0.64	0.54	0.47	0.45
Denmark	0.85	0.81	0.80	0.81	0.82	0.88	0.91	0.85	0.83	0.85
Finland	0.37	0.46	0.40	0.39	0.44	0.54	0.55	0.53	0.53	0.55
France	0.41	0.47	0.47	0.38	0.39	0.47	0.50	0.46	0.45	0.41
Germany	0.28	0.36	0.36	0.37	0.38	0.35	0.39	0.39	0.37	0.38
Greece	0.16	0.17	0.17	0.16	0.21	0.19	0.17	0.15	0.13	0.13
Ireland	0.39	0.42	0.54	0.55	0.59	0.54	0.52	0.51	0.47	0.45
Italy	0.15	0.29	0.20	0.19	0.22	0.16	0.15	0.20	0.14	0.16
Luxembourg	0.79	0.79	0.89	0.92	0.97	1.04	1.05	0.97	1.00	1.00
Netherlands	0.73	0.82	0.81	0.81	0.80	0.82	0.81	0.75	0.71	0.67
Portugal	0.63	0.21	0.21	0.22	0.27	0.23	0.29	0.31	0.28	0.23
Spain	0.24	0.27	0.32	0.37	0.45	0.46	0.43	0.29	0.16	0.16
Sweden	0.78	0.94	1.02	0.93	0.98	1.12	0.97	1.02	0.97	1.02
UK	0.36	0.47	0.51	0.36	0.43	0.51	0.57	0.56	0.56	0.72
Average EU-15	0.45	0.50	0.51	0.49	0.52	0.54	0.55	0.52	0.49	0.50
Czech Republic	0.11	0.11	0.12	0.11	0.12	0.12	0.13	0.12	0.12	0.11
Estonia	0.05	0.08	0.09	0.08	0.10	0.10	0.10	0.11	0.11	0.13
Hungary	0.07	0.11	0.13	0.08	0.08	0.10	0.09	0.11	0.10	0.10
Latvia	0.06	0.07	0.06	0.06	0.07	0.08	0.06	0.07	0.08	0.08
Lithuania	0.04	0.06	0.08	0.11	0.11	0.11	0.10	0.13	0.13	0.12

Poland	0.05	0.07	0.09	0.10	0.08	0.09	0.08	0.08	0.09	0.10
Slovak Republic	0.07	0.12	0.10	0.09	0.10	0.09	0.09	0.09	0.09	0.09
Slovenia	0.10	0.11	0.12	0.12	0.13	0.15	0.13	0.13	0.13	0.13
Average EU-8	0.07	0.09	0.10	0.09	0.10	0.11	0.10	0.11	0.11	0.11
Bulgaria	-	-	0.00	0.06	0.04	0.04	0.09	0.09	0.08	0.10
Cyprus	0.03	0.09	0.15	0.17	0.17	0.20	0.23	0.16	0.12	0.11
Malta	0.18	0.17	0.15	0.15	0.20	0.18	0.18	0.25	0.23	0.20
Romania	-	-	0.00	0.07	0.09	0.08	0.07	0.09	0.08	0.07
Croatia	-	-	-	-	-	-	-	0.03	0.03	0.07

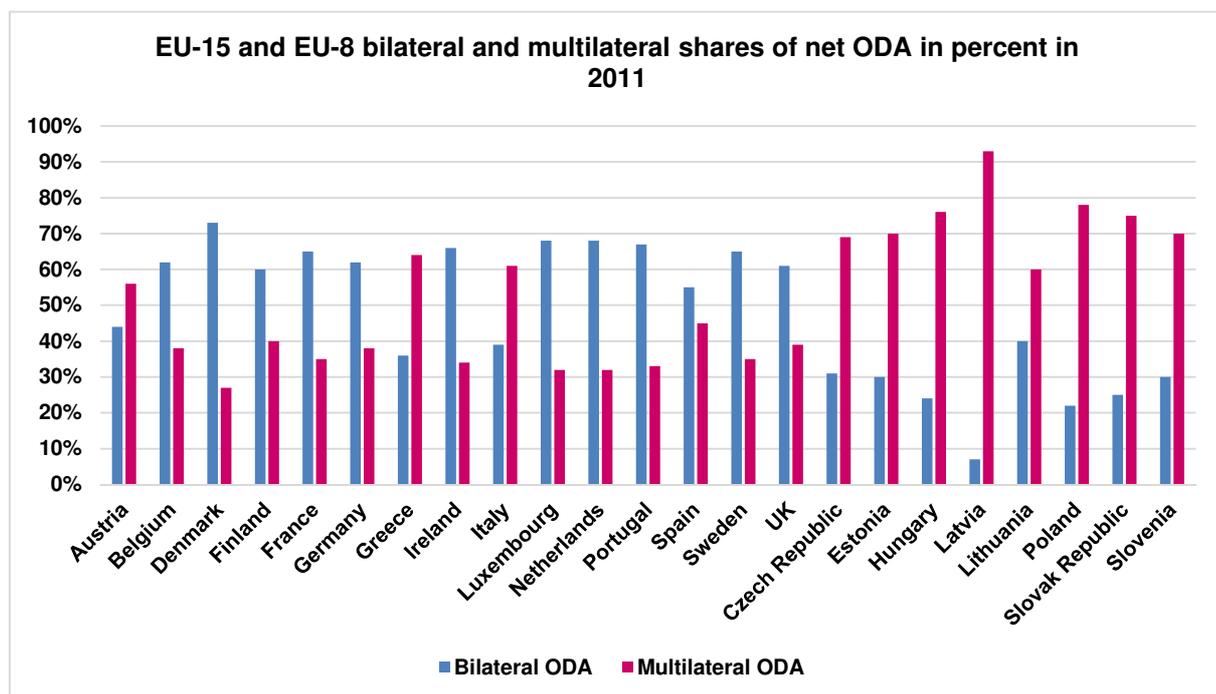
Source: Commission 2014c: 3. Own calculations for average EU-15 and EU-8.

The differences in spending on development between the 'old' and EU-8 member states are not surprising when taking into account that the majority of the EU-8 countries is still eligible for World Bank loans and that these countries have undergone a radical economic transition from planned to market economy which resulted in a major economic recession and high unemployment rates in the early years of the transition process (Granell 2005: 11). Although the rapid growth of their economies after the transition process has resulted in an increase of the total financial amounts of the CEE states' ODA from 304 million EUR in 2004 to 797 million EUR in 2013, their actual ODA levels as a percentage of the GNP have not increased due to the simultaneous rise of their GDPs (see Appendix, Table 1).

A further important factor which accounts for the low ODA levels of the CEE states is the lack of political will and commitment to development cooperation in these countries (Bucar/Mrak 2007: 11; Lightfoot 2008a: 130). As several interviewees from the EU-8 countries have pointed out, development aid is a low political priority in their countries (Interviews-NMS_11, -NMS_14 and -NMS_27). Therefore 'one can hardly expect huge amounts of money' to be allocated for development aid if it is a low priority for the government (Lightfoot 2008a: 132).

The CEE states' spending on development is further characterised by very high percentages of development aid disbursed through multilateral channels such as the EU or UN (Lundsgaarde 2011: 2). Compared to the majority of the EU-15, the CEE states disburse high shares of their ODA through the multilateral system. The EU serves thereby as their privileged partner for disbursing aid.

Figure 3.1: EU-15 and EU-8 bilateral and multilateral shares of net ODA in percent in 2011



Source: For the DAC members, OECD-DAC <<http://www.oecd.org/dac/stats/aid-at-a-glance.htm>> [Last access 28.07.2014]. For non-DAC members own calculations based on data (million USD, constant prices 2012) retrieved from <<http://stats.oecd.org/qwids/>> [Last access 28.07.2014].

The limited administrative and institutional capacities in the area of development cooperation prevalent in all CEE states offer a plausible explanation for their high shares of multilateral ODA. The general shortage of staff, and the lack of staff with relevant experience and expertise in development cooperation, pose a serious problem in all CEE states (Bucar/Mrak 2007: 20; Lightfoot/Lindenhovius Zubizarreta 2010: 179). In contrast to the majority of the EU-15 donors, none of the CEE states has a separate policy ministry in charge of development aid or a minister for development cooperation (Skok 2008: 9). The majority of CEE states have set up a directorate or department within the Ministry of Foreign Affairs (MFA), which is in charge of development policy.

Some of the CEE states (such as, for example, the Czech Republic, Hungary or Slovakia) have separate implementation agencies for development aid. The staff members in charge of development cooperation are usually seconded from the diplomatic services of these countries and therefore ‘may lack the necessary expertise in development policy’ (Lightfoot/Lindenhovius Zubizarreta 2010: 179). In addition, the staff responsible for development

cooperation is subject to frequent turnover (Grimm/Harmer 2005: 15). As several officials from the EU-8 argued, development cooperation is not a popular policy area among the MFA officials, as it usually requires additional training and efforts due to its complexity. In addition, it does not offer attractive career opportunities (Interviews-NMS_3, NMS_27 and NMS_14). The high staff turnover in these countries leads not only to a loss of institutional memory in development cooperation but also to the loss of expertise and experienced staff (Bucar/Mrak 2007: 21).

As already mentioned the general shortage of staff in charge of development cooperation poses a serious problem in these countries. According to the EU Donor Atlas, in 2006 the staff numbers ranged from 30 in the Czech Republic to five in Latvia and Slovenia (Commission and OECD DAC 2006: 58ff.).¹⁸ Since then several of the CEECs increased their development cooperation personnel. In 2008 Lithuania could already count on 14 officials in charge of development cooperation. Poland could draw on 44 officials in the MFA dealing with development cooperation in 2010 (OECD-DAC 2010: 22). The Slovak Republic employed six officials in the MFA working on development cooperation in 2011 and Slovenia could count on the support of 13 officials in the MFA in charge of development assistance in 2012 (OECD-DAC 2011: 25; OECD-DAC 2012: 24). Despite these staff increases the total staff numbers are still far behind those of the even smallest 'old' EU member states such as Luxembourg with 103 and Austria with 125 in the year 2006 (Commission and OECD DAC 2006: 70). Against this background, it is understandable why the CEE states allocate large shares of their ODA via multilateral agencies as they lack the administrative and institutional capacities to do it themselves.

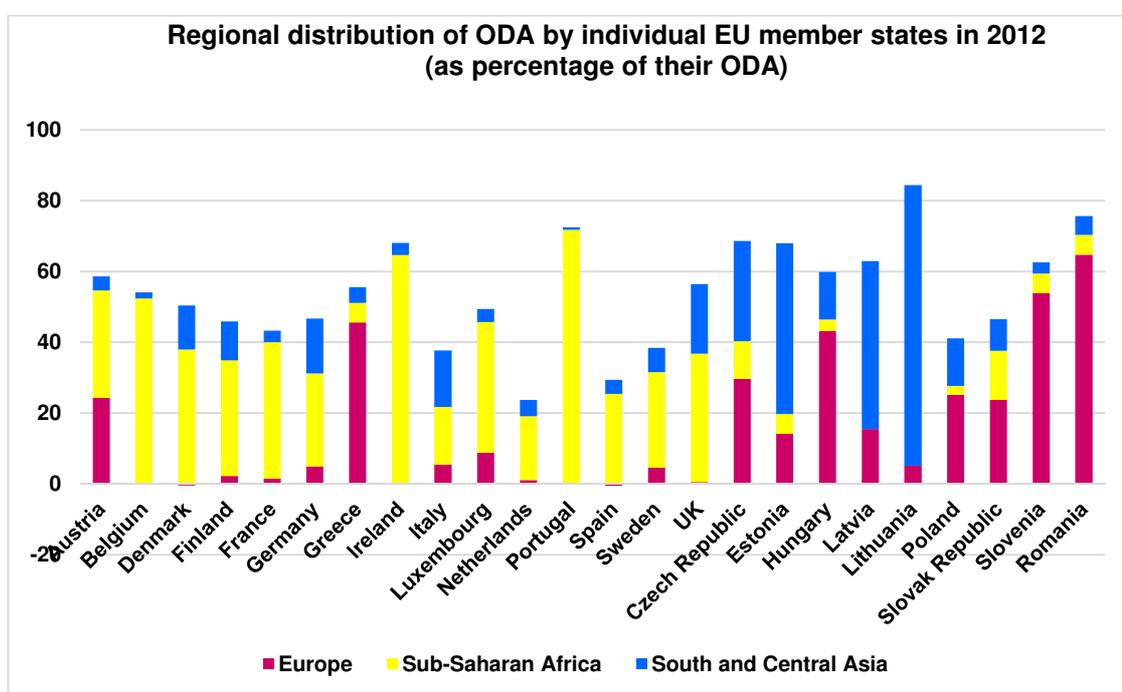
A further important aspect which might account for the high multilateral ODA shares of the CEE states is the citizens' general mistrust and suspicion of the state (Horky 2006: 7). Due to widespread corruption during the Communist era, the majority of citizens still mistrust the state apparatus, in particular with regard to the allocation of funds.

¹⁸ Total staff in charge of development cooperation in the rest of the EU-8 according to the EU Donor Atlas of 2006: Estonia, 6; Hungary, 17; Lithuania, 3; Poland, 14; Slovakia 7 (in the MFA only) (Commission and OECD DAC 2006: 60ff.).

4.3 Differences in the geographical allocation of development aid

A comparison of the regions to which the EU-15 and the CEE states allocate their development aid highlights the different geographical priorities of the Eastern newcomers and the EU-15 donors. Whereas the majority of the EU-15 donors focus their development aid efforts on Sub-Saharan Africa, for the CEE states Sub-Saharan Africa has a very low priority (Lundsgaarde 2011: 3).

Figure 3.2: Regional distribution of ODA by individual EU member states in 2012 (as percentage of their ODA, constant prices 2012, USD million)



Source: Own calculations based on data retrieved from the OECD online database <<http://stats.oecd.org/>> [Last access 28.07.2014]. No data available for the other EU member states.

As can be seen from figure 3.2, Sub-Saharan Africa receives the smallest share of the CEE states' development aid. Estonia and Latvia do not provide development aid to any ACP country (Lightfoot 2010: 340). Taking into account that the majority of the CEE states has only very limited or virtually no experience and historical ties with Africa and only very few or just one diplomatic representation in this region, it seems understandable why the share of their development aid allocated to these countries is so small (Skok 2008: 10). It would not make much sense for them to allocate their development aid to

a region where they have only very limited experience and expertise and no real possibilities for influencing the situation (Interview-NMS_3). It is more effective and makes much more sense for the CEE states to focus on countries or regions such as the Western Balkans or the former Soviet republics where they have a comparative advantage due to cultural or linguistic affinity and similar historical and political experiences (Bucar/Mrak 2007: 14).

The main recipients of development aid from the CEE states can be subdivided into three different categories of countries. The first group, which receives the biggest shares of their development aid, includes their Eastern neighbourhood, mainly the Western Balkans and the former Soviet republics in Eastern Europe and Central Asia. The most privileged recipients in this region are Ukraine and Moldova. The second group to which they allocate significant amounts of their development aid comprises countries such as Iraq and Afghanistan where the CEE states feel internationally obliged to help as they also contribute to multilateral security operations in these countries. The third group of their aid recipients comprises countries 'inherited' from the communist era, to which they provided development assistance long time before their transition and with which they share the experience of socialist rule such as Ethiopia, Angola, Cuba, Mongolia, Vietnam or Zambia (see Appendix, Table 2). However, with changing political priorities, the CEE states' aid to these former 'socialist brother' countries is decreasing (Grimm/Harmer 2005: 20).

To sum up, compared to the majority of EU-15 member states and also the EU institutions, which clearly prioritise the ACP countries in their development aid programmes, the EU-8 allocates their development aid to countries that have not traditionally been among the most privileged recipients of EC development aid. By focusing their development aid efforts on their Eastern neighbourhood, the CEE states have fuelled the tension between the different, often competing, geographical priorities in the EC's development policy (Lundsgaarde 2011: 3). Due to these different geographical priorities, it can be assumed that the CEE states will try to affect the geographical allocation of EC development aid by demanding a geographically more balanced EC development policy and a redirection of the EC's development aid to countries in Eastern Europe and Central Asia (Skok 2008: 9).

4.4 Different objectives of development aid: Poverty eradication versus regional stability concerns

The European Consensus on Development, which sets out the basic common objectives and principles guiding the EC's and EU member states' development policies, defines poverty eradication as the 'primary and overarching objective of EU development cooperation' (European Parliament, Commission and Council 2006: 2 [Art. 5]). Despite this commitment, this goal continues to be a low priority in the development policies of the CEE states. According to Szent-Ivanyi the 'reduction of global poverty is clearly not a consideration' in the CEE states' allocation of aid (2010: 21). The determining factor in the selection of aid recipients and for the amount of development aid a country gets from the CEE states is not the level of this country's poverty or needs but geographical proximity (*ibid.*: 1). A comparison between the EU-15 and the CEE states' shares of aid allocated to LDCs seems to support this assumption. In 2010 the EU-15 countries allocated 37.32% of their ODA to LDCs while the EU-8's share of ODA allocated to LDCs amounted to 30.33% (for individual numbers see Appendix, Table 3).

This difference is not surprising when taking into account that the majority of the CEE states' aid recipients fall in the category of lower or even upper middle income countries (LMICS or UMICS). Among their aid recipients only Afghanistan, Angola, Cambodia, Yemen, Zambia and Ethiopia are listed as LDCs. Countries such as Ukraine, Georgia, Moldova, Bosnia & Herzegovina, Kosovo, China and Azerbaijan are all classified as LMICs. Belarus, Croatia, Montenegro, Serbia and Kazakhstan fall in the category of UMICs. However, it should be pointed out here that more than two-thirds of the poor people worldwide live in MICs (HTSPE 2010: 8; Interview-OMS_17). It can therefore be argued that the EC's development policy needs to focus equally on MICs in order to reduce poverty.

An analysis of the CEE states' development aid strategy papers shows that at a formal/rhetorical level they are all committed to poverty eradication as the main objective of their development aid. However, as can be seen from the list of their aid recipients, this formal commitment to poverty reduction is not reflected in their development aid practice.

In addition, all CEE states underline in their development aid strategy papers that development aid forms an 'integral part of the [their] foreign policy'

(for the Czech Republic, see Horky-Hluchan 2013: 24). This highlights the CEE states' close coupling of development aid with foreign policy interests (Lundsgaarde 2011: 3). Many CEE states use development cooperation for promoting their foreign policy interests such as security or regional stability.

In general, the CEE states have a 'wider' approach to development cooperation compared to that of many EU-15 donors. As one official from a CEEC stated 'the "new" member states [...] favour a wider approach to development policy including, for example, also democracy and not limiting ourselves just on [sic!] poverty reduction' (Interview-NMS_8). All CEECs list the promotion and strengthening of democracy, rule of law, human rights and good governance in developing countries as the primary objectives of their development policies. Further objectives of their development policies include sustainable development, ensuring peace and stability, the promotion of economic development, providing access to education, and assisting developing countries in economic, political and administrative reforms.

Thus, due to the strong focus of the Eastern newcomers on MICs and their wider approach to the concept of development aid, it can be assumed that they will try to re-orientate the EC's development policy to middle income countries and shift its aid focus from strict poverty reduction to governance and democracy related aspects of development aid (see also Lightfoot 2008a: 134).

4.5 The CEE states' thematic priorities in development cooperation

The Eastern newcomers focus their development aid efforts on sectors where they have experience and where they believe they have a comparative advantage due to their specific political and economic transition experience (Skok 2008: 10; Lightfoot/Lindenhovius Zubizarreta 2010: 184). All of the CEECs prioritise the promotion of democracy, human rights, rule of law and good governance in developing countries as one of the most important thematic sectors of their development assistance. Further privileged thematic sectors of their development policies include providing access to basic or social services such as health care and education, institutional and administrative capacity building, environmental protection, the transfer of technical know-how to implement economic and democratic reforms, building up party systems and civil society, and sustainable development. Some of the CEE states also list

other specific thematic areas such as humanitarian and post-conflict assistance in the case of Slovenia, water management in the case of Hungary, and the use of information and communication technologies in the case of Estonia.

With regard to the CEE states' potential impact on the thematic focus of EC development policy, it can be assumed that they will try to give a specific thematic input to EC development policy by capitalising on their transition experience.

4.6 The CEE states' different type of development assistance and delivery modality

An analysis of the CEE states' bilateral aid programmes shows that they differ in the type of aid and delivery modality from the majority of the more established EU-15 donors in several respects (Lundsgaarde 2011: 3). First, the majority of the CEE states except Slovakia still tie their aid (Lightfoot/Lindenhovius Zubizarreta 2010: 182; Kragelund 2008: 559). Although reliable data on the share of tied aid for the individual CEE states is not available, it becomes evident from aid statistics for individual CEE states such as Poland that tied aid in the form of concessional credits still accounts for a high share of the CEE states' development aid.¹⁹

A second aspect of difference is their preference for technical and project assistance (Lundsgaarde 2011: 3). The CEE states' technical assistance mainly consists of the secondment of national experts to developing countries but also of offering scholarships to students from developing countries, seminars or training to administrative officials from developing countries. As one official from a CEEC argued, the CEE states' focus on technical assistance is due to their limited development aid budgets and their experience with this kind of development cooperation (Interview-NMS_20). It is 'inherited' from their development cooperation policies during the Communist rule (*ibid.*).

The preference of the CEECs for project assistance also distinguishes them from the majority of the EU-15 donors and the EC (Lundsgaarde 2011: 3). Development projects still represent the most frequent form of development aid within the bilateral development policies of many CEE states (Czech Ministry of Foreign Affairs 2011: 50). This practice stands in contrast to the aid form and

¹⁹ See for details website of the Polish Ministry of Foreign Affairs <www.polskapomoc.gov.pl/Financial,assistance,180.html> [Access 05.09.2011].

delivery modalities advocated by the EU-15 donors (Lundsgaarde 2011: 3). In contrast to the EU institutions, which disburse more than 50% of EC aid via budget support, the CEE states strongly object to the use of budget support as a mechanism for delivering development aid (Interviews-NMS_8 and NMS_34). In many CEE states budget support accounts only for a marginal share of their development aid.

With regard to the CEE states' potential impact on the EC's/EU's development policy, it can be expected that all CEECs will be very sceptical about the use of budget support in the EC's development policy and try to reduce it. Moreover, they will support a stricter application of conditionality in the EC's development policy as they are convinced that 'assistance from outside works only if there is good governance' in the recipient country (Interview-NMS_8).

5. Conclusions

This chapter has shown that EU member states have various formal and informal channels for shaping EC development policy and affecting the allocation of EC aid. In addition, it has demonstrated that there are significant differences between the development policies of the EU-15, the EU-8 and EC development cooperation in terms of the aid volume, the geographical allocation of aid, the thematic priorities, the aid objectives and the aid delivery modalities. Based on the identified differences, several assumptions can be made with regard to the EU-8's potential impact on EC/EU development policy. First, it can be assumed that they will try to keep their financial commitments within the framework of EC/EU development cooperation as low as possible, in particular towards countries or regions which are of no or little importance to them or with which they do not have strong historic ties. Second, because of their different geographical priorities concerning the allocation of aid, it can be expected that the CEECs will call for a geographically more balanced EC/EU development policy and a redirection of EC assistance to countries in Eastern Europe and Central Asia. As their commitment to poverty eradication as the main objective of development aid seems to be less strong, it is probable that they will also attempt to re-orientate EC development policy to MICs and shift its focus away from strict poverty eradication towards more governance and

democracy-related aspects of development cooperation. Third, against the background of their different aid delivery modalities, it can be assumed that they will push for a revised, stricter approach to the use of budget support in EC development cooperation. Finally, because of their still quite recent experience in political and economic transition, it can be assumed that the EU-8 will attempt to capitalise on this experience and incorporate it into the EC's development cooperation.

As this chapter has shown the EU-8 countries lag behind in terms of ODA spending and human resources in charge of development cooperation. Moreover, most EU-8 countries attach little importance to development cooperation and lack relevant experience and expertise in this area. Thus, they can draw on limited material and ideational sources of impact in EU development policy-making. Against this background it can be expected that the CEECs will likely have modest and rather defensive or divisive but limited innovative impact on EU development policy concerning mainly soft law instruments. The next chapter examines whether, and if so, to what extent these assumptions have come true.

Chapter 4

All talk and little action? The impact of the Central and Eastern European EU member states on the EC's/EU's development policy

1. Introduction

Prior to the 'big bang' enlargement in 2004, there was much academic speculation about the repercussions of the Eastern enlargement on the EC's/EU's development policy (Carbone 2004; Dauderstädt 2002; Granell 2005). Never before had so many former recipients of EU assistance in such a short time become donors of EU aid (Oprea 2009: 3). The majority of the CEECs re-launched their aid programmes mainly because the EU requested them to do so as a precondition for their EU accession. Against this particular background, several scholars saw with the Eastern EU enlargement the imminent 'death' of the Union's development cooperation (Oprea 2009: 3). Others expected a partial shift in the geographical allocation of EC aid towards countries in Central Asia and Eastern Europe and/or significant challenges with regard to the Eastern newcomers' ability to boost their aid volumes (Dauderstädt 2002: 10; Carbone 2004: 251). While so far every EU enlargement has widened the regional coverage of EC development cooperation and expanded its aid toolbox, the effects of the Eastern enlargement have been modest (Van Reisen 2007: 59; Carbone 2011b: 154).

This chapter aims to identify, evaluate, and explain the impact of the Central and Eastern EU member states on the content of this traditional and long-standing area of the EU's external action from their EU accession in 2004 to 2013. It seeks to shed light on whether, and, to what extent the CEECs have tried to affect the EC's/EU's development policy and why they have sometimes succeeded in having an impact and other times they have not.

This chapter concentrates on the CEECs' attempts to get exemptions from the regional focus of EC/EU development policy on Africa, their attempts to re-direct EC/EU development policy towards middle-income countries (MICs) and the CEECs' lower ODA targets. There are several reasons accounting for the selection of these areas of EC/EU development cooperation on which the CEECs have tried to impact. As chapter 3 shows they represent those areas of

EC/EU development cooperation where the differences between the EU-15 and the EU-8 are the greatest and where the CEECs have strong preferences. They touch upon key interests of the CEECs and also represent core aspects of EC/EU development cooperation. If the CEECs have an impact on the substance of EC/EU development policy, it will be likely in these areas of EC/EU development cooperation.

The chapter starts with an empirical 'stocktaking' of the EU-8's attempts to impact upon the content of EC/EU development along the three categories regional coverage, policy objectives and priorities and policy instruments. The purpose of this first part of the chapter is to identify and evaluate the CEECs' impact on the substance of EC/EU development policy. To analyse why the EU-8 countries sometimes succeed in having an impact on EC/EU development policy and other times not, the chapter draws on one in-depth case study which is integrated into the subsection dealing with the CEECs' impact on the instruments of EC/EU development cooperation. The European Transition Compendium (ETC), an attempt by the CEECs to incorporate their transition experience into the EC's development, represents a case where the EU-8 countries have actively tried to shape EC development policy according to their preferences but failed. The purpose of this in-depth case study is to examine whether material, institutional and/or ideational sources of member states' impact account for the CEECs' failure to make their voice heard in this particular case. As the ETC initiative got stuck at the agenda-setting stage, it only allows for limited conclusions as to the extent to which the relevance of these three sources of member states' impact varies along the different stages of the policy-making process.

However, the ETC seems to be a reasonable choice as an in-depth case study for several reasons. First, the ETC can be regarded as the most significant and only relevant attempt by the CEECs to bring fresh impetus to EC/EU development policy and proactively shape it according to their preferences. Second, the ETC represents a case where they have tried to expand the EC's aid toolbox. Thus, compared to the CEECs' impact attempts on the regional coverage, objectives and priorities of EC/EU development cooperation, the ETC case goes well beyond the EC's soft law instruments. Third, it is a quite recent initiative. This allows for easier access to information and more detailed process tracing. For this reason, other major impact attempts

by the CEECs such as their lower ODA targets could have not been selected as an in-depth case study as the negotiations took place in 2005. It was therefore difficult to gather reliable data within the framework of interviews as details of the negotiations process got lost over time. Many interviewees did not remember anymore the exact decision-making process related to the lower ODA targets.

2. The EU-8's impact on the regional coverage of EC/EU development policy

Since their accession to the EU in 2004, the EU-8 has had a particular interest in a geographically more balanced EC/EU developing policy allowing for regional focuses other than Africa. As shown in chapter 3, many of the CEECs' aid recipients are located in Eastern Europe and Central Asia. The following subsection identifies and evaluates the CEECs' impact on the regional coverage of EC/EU development policy.

Sub-Saharan Africa is at the heart of the EC's/EU's development policy where 35 out of the total 50 LDCs are located (Interview-EU_23). In the Council conclusions of 24 May 2005 and the European Consensus on Development (ECoD), the EU has committed itself to allocating collectively at least 50% of its increase in ODA to Africa (Council 2005a: 10; European Parliament, Commission and Council 2006: 5). A careful reading of the wording shows that the EU-8 has been able to negotiate concessions with regard to this commitment. Although the EU undertakes to provide collectively at least half of its increases in ODA to Africa, it does so '*while fully respecting individual Member States priorities*' in development assistance' (Council 2005a: 10; emphasis added).

The European Consensus on Development includes further concessions for the CEECs concerning the main recipients of EU development assistance. Despite the EU's commitment to poverty eradication as the main objective of its development aid the ECoD states that development aid will be provided to 'all developing countries, including both low-income and middle-income countries (MICs)' (European Parliament, Commission and Council 2006: 2 [paragraph 2]). Further, although the ECoD claims that the EU prioritises giving aid to LDCs and other LICs, it does so '*while recognising the value of concentrating the aid activities of each Member States in areas and regions where they have*

comparative advantages and can add most value to the fight against poverty' (*ibid.*, emphasis added). Again the specific wording implies that EU's commitment to providing collectively at least more than half of its increases in ODA to Africa is flexible, allowing member states basically to choose their preferred aid recipients. They are not obliged to allocate their development aid to Africa (Lightfoot 2010: 339).

The EU-8 insisted on the inclusion of both of those aspects in the ECoD (Interviews-EU_13 and OMS_30). The inclusion of these passages in the ECoD was hard won by the CEECs and highly controversial among the 'old' member states and the Commission (Interview-EU_7). With regard to the inclusion of the reference to the MICs in the ECoD, the CEECs were supported by Spain (Interview-EU_13). They also received some 'nuanced' backing from the UK in this regard (*ibid.* and Interview-EU_21). The EU-8's main reason for insisting on the inclusion of these two sentences is not that they generally object to the focus of the EU's development policy on Africa as long as the EU's development policy also takes account of their priority countries (Interviews-NMS_20 and NMS_8). However, they want to keep the ability to decide how much development aid they allocate to which country on their own. For them it is a national sovereign decision. As one interviewee from a CEEC argued, 'It's not all about Africa, we have the right to be involved in our [priority] countries' (Interview-NMS_25).

This *de facto* exemption of the CEECs²⁰ from the EU's commitment to provide collectively at least half of its increase in ODA to Africa and prioritise support to the LDCs and LICs has no direct implications for EC aid but has implications for the EU's development policy. First, it can be argued that this loose, non-binding commitment represents an instance of their 'defensive' impact on the EU's development policy. It enables the EU-8 and other EU member states to select their preferred aid recipients and it explicitly corresponds to the EU-8's preference for allocating aid to developing countries not in Africa but in the Eastern neighbourhood and Central Asia, where the majority of countries is classified as MICs. Second, although the EU-8's demand for a geographically more balanced EC/EU development policy is not reflected in the EC's development policy instruments, they have managed to

²⁰ This exemption also applies to the rest of EU member states. However, they prioritise Africa in their development policies and therefore do not object to provide at least half of their increases in ODA to Africa.

make their voice heard in EU joint declarations prepared for High Level meetings such as the one on the MDGs and Financing for Development in New York held in September 2005, the High Level Forum on Aid Effectiveness in Accra in September 2008 or the International Conference on Financing for Development in Doha in November 2008. All of them use this specific wording [‘while fully respecting individual Member States priorities’] and include the reference to member states’ focus on those developing countries where they have comparative advantages.²¹ The Council conclusions adopted on 11 November 2008 with regard to the EU’s participation in the international conference on financing for development in Doha, even state that while ‘keeping the focus on LDCs and other Low Income Countries (LICs), appropriate attention should be given to Middle Income Countries (MIC), in particular lower MICs’ (Council 2008d: 15).

Although these qualifications only account for a very small part of the EU’s total development aid related declarations and statements, and large parts of the ECoD bear the signature of the EU-15 (Interview-EU_24), they concern a core aspect of the EU’s development policy, its geographical focus. Thus, as one interviewee from an EU-15 country argued, the EU-8 has ‘indirectly’ affected the geographical focus of the EU’s development policy by getting these qualifications included in joint EU statements. However, for the EU as such, he stated, it would be a ‘bad thing’ as it sends ‘a message in the UN, which is very fuzzy’ (Interview-OMS_17).

To sum up, the EU-8 succeeded in pushing through their preferences. Both references were included at their insistence. During the negotiations they showed a united stance and received some backing from large EU-15 countries such as the UK and Spain. Other EU-15 countries were not generally against the inclusion of these references as they remained without implications for their bilateral development policies. Moreover the CEECs could present some strong arguments supporting their position. Many MICs also suffer from poverty. Despite the high degree of preference attainment it can be argued that the EU-8’s impact on the geographical allocation of EC/EU aid has been low, limited to EU development policy and has had no direct implications for the geographical focus of EC aid. Moreover, it has been limited to various ‘soft’ law instruments

²¹ See, for example, the European Council 2005: 9; Council 2008b: 10; Council 2008d: 15. All of them were prepared as joint positions for various High Level Meetings.

such as the ECoD, Council or European Council conclusions or joint EU statements. However, the political relevance of these documents should be taken into account, which is high in the case of the ECoD and the EU's common commitment to increase its ODA as pledged at various UN High Level Meetings on Development.²² In addition, the EU-8's exemptions from these EU commitments concern the most essential aspects of EU development policy, namely the volume and the geographical focus of aid.

3. The CEECs' impact on the goals and priorities of EC/EU development

This section aims to identify and assess the CEECs' impact on the goals, principles and priorities of EC/EU development policy. Particular attention is paid to the CEECs' exemptions from the EU's 0.51% and 0.7% ODA/GNI target. As outlined in chapter 3, the CEECs lag behind the other EU member states in terms of ODA spending. Due to the fact that development policy is a low priority in these countries, they have a strong interest in keeping their ODA spending as low as possible and avoiding any commitments to aid increases.

3.1 The CEECs' different ODA targets – a case of the CEECs' impact on the goals of EU development policy

ODA 'is an important and catalytic element' in the financing for development cooperation (Council 2013: 2). EU member states' spending on development cooperation has not only implications for their own ODA/GNI ratios but also for the overall volume of the total EU ODA. The EU-15 and the EU-12 countries have different ODA/GNI targets. In the Council conclusions of 24 May 2005 EU member states committed themselves to collectively spend 0.56 of their GNI on ODA by 2010 setting up different individual targets for the 'old' and 'new' member states (Council 2005a: 5; see also Timofejevs Henriksson 2013: 102; Carbone 2007: 77). While the 'old' member states have committed themselves to reach the level of 0.51% ODA/GNI by 2010, and 0.7% ODA/GNI by 2015, the CEECs have lower ODA targets and are only expected 'to strive to increase

²² These reservations have been confirmed by several interviewees who have emphasised that the CEECs' impact on the EU's development policy has been 'not low'. Two interviewees have argued in this regard that the Council generally acts by consensus and that the EU-8 together with Romania and Bulgaria account for almost half of all EU members, therefore their impact 'is not low' (Interviews-OMS_17 and EU_24).

their ODA to reach' 0.17 ODA/GNI by 2010 and 0.33% ODA/GNI by 2015 (Council 2005a: 5, emphasis added) The tracing back of the negotiation process on the member states' different ODA/GNI targets in the following subsection shows that the CEECs' lower ODA/GNI targets represent the outcome of the their defensive impact on EU development policy.

The EU's commitment to increase its ODA/GNI to 0.56% by 2010 and 0.7% ODA/GNI in the long term, goes back to the so-called 'Barcelona commitments'²³ in March 2002. In the run-up to the International Conference on Financing for Development, which took place in Monterrey in March 2002 with the aim of addressing 'the challenges of financing for development around the world, particularly the developing countries' (UN 2002: 5), the EU committed itself to collectively reach an ODA/GNI level of 0.39% by 2006. In addition, those EU member states, which had a lower ODA/GNI level than 0.7%, were required to 'strive to reach' at least a 0.33 ODA/GNI by 2006 whereas those EU member states, which had a 0.7% or higher ODA/GNI, committed themselves to 'renew their efforts to remain at or above' this level (European Council 2002: 5). Both levels represented only intermediate targets on the EU's way to reach the long term UN goal of 0.7% ODA/GNI as confirmed by the Monterrey Consensus (UN 2002: 5).

As a follow-up to the Monterrey Consensus, the Council in November 2002 asked the Commission to prepare annual reports on the member states' compliance with the Barcelona commitments including their ability to achieve the agreed ODA targets (Carbone 2007: 75). Already the Commission's first two reports from 2003 and 2004 included a section that assessed the CEECs' potential for meeting the 0.33 ODA/GNI target and the long term 0.7% ODA/GNI level. In its first report the Commission emphasised that the CEECs were expected to meet the 'Barcelona commitments' as these represented 'an important part of the political EU "acquis"' (Commission 2003c: 8). However, it noticed that these targets posed 'tremendous challenges' for the CEECs in view of their economic situation (Commission quoted in Carbone 2007: 76). In its second report from 2004, it pointed to the 'special constraints' the CEECs were facing with regard to meeting the ODA/GNI targets agreed by the European Council in Barcelona (Commission 2004b: 6). However, it still treated the

²³ The 'Barcelona commitments' refer to eight explicit commitments concerning the volume, the sources, and the effectiveness of aid which the EU made in the run-up to International Conference on Financing for Development in Monterrey (Commission 2005a: 8).

CEECs on equal footing with the 'old' member states with regard to the ODA targets laid down in the 'Barcelona commitments'.

The European Council conclusions of December 2004 included a first allusion to differentiated ODA/GNI targets for the CEECs. In the run-up to its preparations for the next UN High Level Event (HLE) in September 2005, which would include a separate session on financing for development, the European Council authorised the Commission to present 'concrete proposals on setting new and adequate ODA targets for the period of 2009-2010, *while taking into account the position of the new Member States*' (European Council 2004: 21; emphasis added). While concrete evidence is missing, it can be assumed that the CEECs had raised doubts about their capability to meet the Barcelona commitments and called for special, concessional ODA/GNI targets (Timofejevs Henriksson 2010: 17). The Commission responded to the Council's request by proposing two intertwined ODA targets: a collective average ODA/GNI level of 0.56% for all the then 25 member states to be reached by 2010, and an individual ODA target for the member states, differentiating between the 'old' and 'new' EU member states (Commission 2005c: 6-7). Whereas the 'old' member states were to increase their ODA/GNI to 0.51%, the 'new' member states were to reach 0.17% ODA/GNI by 2010 and to further increase their ODA/GNI to 0.33% by 2015 (*ibid.*: 7). The Commission regarded the differentiation between the 'old' and 'new' member states as 'a fair proposal in terms of burden sharing between the EU Member States' and a 'transition period' for the EU-8 countries and Malta and Cyprus which took account of their 'special situation' as 'emerging donors with a still low level of ODA volumes' at that time (Commission 2005e: 5-6). The Commission's suggestions were based on replies to a questionnaire it had forwarded to the member states asking whether they would agree to a new target for additional ODA increases by 2010 and a separate target for ODA increase for the EU-8 and Malta and Cyprus (Carbone 2007: 76). As Table 4.1 shows, among the EU-8, Lithuania and Latvia were the only two EU member states which definitely objected to the definition of a new collective EU target for additional ODA increases to be reached by 2010. Latvia and the Slovak Republic were the only two NMS which were in favour of a separate intermediary ODA/GNI target for the NMS to be reached by 2010. The Czech Republic, Estonia, Hungary and Lithuania opposed a separate intermediary ODA/GNI target for the NMS. They not only questioned

their ability to reach the 0.17% ODA/GNI target by 2010 but wanted in particular the 0.33% target for 2015 to be eliminated from the Commission's proposal (Carbone 2007: 77).

Table 4.1: Member states' responses to the Commission's questionnaire in 2005

	Yes	No	No position
A new EU target for additional ODA increases by 2010	Denmark, Spain, Finland, France, Luxembourg, Netherlands, Portugal, Sweden, UK Yes conditionally: Czech Republic, Poland, Estonia	Lithuania and Latvia	Austria, Belgium, Germany, Greece, Hungary, Ireland, Italy, Malta, Slovenia, Slovakia
A separate target for ODA increases for the EU-8 and Malta and Cyprus	Denmark, Finland, France, Luxembourg, Latvia, Sweden, Slovakia Yes conditionally: Austria, UK	Czech Republic, Estonia, Hungary, Lithuania	Belgium, Germany, Greece, Spain, Ireland, Italy, Malta, Netherlands, Poland, Portugal, Slovenia

Source: Commission 2005a: 12. Cyprus did not reply to the Commission's survey.

In the negotiations on the Council conclusions on 24 May 2005 the EU-8 explicitly opposed making any firm commitments to future ODA increases (Interview-EU_13). Not all of the EU-15 showed understanding for the EU-8's demands for concessions in this regard. Whereas Denmark backed the CEECs' claim and 'pointed to the necessity for flexibility' (Interview-EU_13) with regard to the financing for development, the UK, Luxembourg and the Netherlands criticised the CEECs for demanding separate targets and their loose commitment to ODA increases (Interview-NMS_11). Also the Council Presidency held at that time by Luxembourg wanted the CEECs to take a firm commitment to ODA increases, however without success. In order to defend their interests, the EU-8 presented several arguments to support their position. First, they argued that they did not participate in the negotiations on the 'Barcelona commitments' and the Monterrey Conference goals and therefore could not be expected to 'deliver on commitments made by the 15' (an official from the CEECs quoted in Granell 2005: 7). Second, they pointed out that such ODA increases would not be realistic for them and therefore 'impossible to achieve', as for some CEECs this would imply a sixfold increase of their ODA (Interview-EU_13). In addition, they did not want to take commitments they

would not be able to meet (Interview-NMS_11). Third, they referred to constraints at the domestic level, arguing that their ministers of foreign affairs would not approve a 'full' commitment to ODA increases (Interview-EU_13). Their fourth argument was related to their weak economies. They argued that they were poor and could therefore not be expected to reach the same ODA targets as the EU-15 (Interviews-NMS_6 and NMS_11).

A compromise on the final commitments could only be reached by resorting to a particular wording defining the member states' individual ODA targets. As outlined above the Council of 24 May 2005 stated that the NMS will only '*strive to increase their ODA to reach*' 0.17% ODA/GNI by 2010 and 0.33% by 2015 while the EU-15 countries '*which have not yet reached a level of 0.51 ODA/GNI, undertake to reach, within their respective budget allocation processes, that level by 2010*' and the level of 0.7% by 2015 (Council 2005a: 5; emphasis added). Indeed, as one interviewee, who was in charge of negotiating these targets at that time emphasised, it would not have been possible to reach an agreement without using this specific wording as the EU-8 insisted on it and threatened to block any agreement if 'stronger' wording had been used (Interview-OMS_30). Compared with the 'undertake to reach' used for the EU-15, which implies a strong commitment, the EU-8's 'strive to increase' their ODA to the 0.17% ODA/GNI level by 2010, and 0.33% by 2015, is much weaker and loose. As one interviewee argued, the wording was chosen on purpose because 'strive to increase' implies that the CEE states 'don't take a firm commitment' (Interview-EU_13). The majority of the CEECs regard it as 'non-binding' and rather a recommendation than a commitment (Interview-NMS_10).

To sum up, the separate ODA targets take account of the CEECs' general preference for keeping their commitments to aid increases as loose and as low as possible. The reference implying only a loose commitment can be clearly ascribed to the EU-8. Despite the initial opposition from the Czech Republic, Hungary, Estonia and Lithuania to the definition of a separate ODA target for the EU-8 to be reached by 2010 and the reference to the 0.33% target to be reached by 2015 (see Table 4.1), these special, lower ODA targets for the EU-8 and Malta and Cyprus are generally regarded as a negotiation success of the EU-8 (Horky 2010: 21; Lightfoot 2010: 338).

Although the CEECs were divided in their position on the need for defining separate ODA targets, they managed to make their voice heard and

resist EU pressure and norms (Horky 2010: 21). By acting on the principle of minimal financial commitments and objecting to 'anything that would increase [their] contribution', the EU-8 pursued fundamentally different priorities from those of the EU-15 in the EC's/EU's development policy (Interview-NMS_25).²⁴ However they could present strong arguments for their position for which the Commission showed full understanding. While several of the EU-15 countries were not enthusiastic about the separate ODA targets, they did not attach much importance to them as can be seen from Table 4.1.

In terms of the EU-8's impact on the objectives of EC/EU development policy, it can be argued that their concessional ODA targets have no direct implications for EC development aid. It can be therefore classified as low. Yet the EU-8 has managed to institutionalise this gap in ODA targets, which is probably unique in the *acquis communautaire* of the EU (Horky 2010: 21). The specific wording 'strive to increase' has not only been used in the Council conclusions on financing for development of 24 May 2005 but has also been reiterated in the exactly same way in the European Consensus on Development, the joint EU-Africa Strategy of December 2007 and other Council²⁵ or European Council conclusions.²⁶ The concessions given to the EU-8 with regard to separate ODA targets therefore seem to be more permanent²⁷ than transitional as originally envisaged by the Commission.

Although all these documents fall in the category of 'soft law' instruments, they are politically highly significant. With regard to the Council conclusions on financing for development of 24 May 2005, it can be argued that '[t]hese rules have an unusual status within the *acquis*' as 'the fact that they were part of an international agreement signed by the EU in Monterrey gives them a high political status' (Lightfoot 2010: 337). Also the ECoD is from a legal point of view 'only' a policy statement, which is non-binding. However, from a political point of view it is undoubtedly the EU's key policy document on development cooperation, which defines the common objectives and principles

²⁴ See for a similar assessment Horky 2010: 26.

²⁵ See, for example, the Council conclusions of 27 May 2008, in which exactly the same wording is used [i.e. 'strive to increase'] (Council 2008b: 6); the Council conclusions of 18 May 2009 (Council 2009a: 4); the Council conclusions of 23 May 2011 (Council 2011a: 2 and 4); the Council conclusions of 11 April 2006 (Council 2006b: 29).

²⁶ See, for example, the European Council conclusions of 15 July 2005, which state that the NMS 'will endeavour to increase their ODA to attain that [0.17%] level' (European Council 2005: 8).

²⁷ As one interviewee argued no country in the Council would dare to reopen this compromise (Interview-NMS_20).

guiding the EU's and the EU member states' development policy (Carbone 2011a: 336; Carbone 2011b: 156). It is the first EU development policy statement ever, which was adopted jointly in December 2005, by the EU's three main institutions, i.e. the Council, the European Commission and the European Parliament.

The separate ODA targets have implications for the EU's development aid. These 'double' criteria in terms of differentiated ODA targets as negotiated by the EU-8 concern the most important aspect of the EU's development policy, namely the volume of development aid (Interview-NMS_25).

4. The CEECs' impact on the instruments of EC/EU development policy

The following section identifies and evaluates the CEECs' impact on the instruments of EC/EU development policy. It focuses in particular on the CEECs' attempt to incorporate their transition experience into the EC's aid toolbox within the framework of the ETC. The ETC is integrated as an in-depth case study aiming to analyse why the CEECs' impact on EC/EU development policy varies from case to case. It aims to illustrate which sources of impact (material and/or institutional and/or ideational) account for CEECs' failure to operationalise the ETC in terms of establishing a separate or integrated budget line in the EC's financial aid instruments. As already stated in the introduction to this chapter, the ETC got stuck at the agenda-setting stage. For this reason, this in-depth case study allows for only limited conclusions with regard to the relevance of the three sources of member states' impact at the different stages of the EC/EU development policy process (agenda-setting and decision-making).

There are several reasons for concentrating on this case study. The ETC represents so far the most substantial and only relevant attempt by the EU-8 to affect the EC's existing aid instruments (see, also, Svarovska/Kucharczyk 2011: 8). In addition, it constitutes one of the very few substantial attempts by the CEECs to have innovative impact on EC/EU development policy.

4.1 The European Transition Compendium as an attempt by the CEECs to have innovative impact on the instruments of EC/EU development policy

The CEECs have substantial knowledge and experience in economic and political transition gained in over two decades of managing transformation of their political and economic systems from communist rule and planned economy to liberal democracy and market economy (Szent-Iványi/Tétényi 2008: 582). The economic and political transition, which took place in all CEECs in the 1990's, involved extensive and fundamental reforms in almost all areas of these countries' political and economic systems. Many developing countries, which face similar challenges to those of the CEECs during their political and economic transformation, could benefit from their specific 'transition' experience within the framework of the EC's/EU's development policy. The EU has frequently acknowledged this comparative advantage of the CEECs with regard to its added value for the EC's/EU's development policy. The EU Consensus on Development emphasised the EU's commitment to 'capitalise on new Member States' experience (such as transition management) and help strengthen the role of these countries as new donors' (European Parliament, Commission and Council 2006: 6).

Within the framework of the so-called 'capacity building scheme' section of its programme for enhancing the EU-12's contribution to the EC's/EU's development policy, the Commission, specifically DG Dev, decided in June 2009 to hire an external expert for compiling member states', in particular the EU-12's, transition management experiences, expertise and best practices in order to make them available to all developing countries, which benefit from the EU's development policy. The outcome was a document entitled the 'European Transition Compendium' (hereinafter ETC), which comprises over 300 pages of information on the EU-8's and Romania's and Malta's management of political, economic and social transition as well as their experience in using external (EU) aid to facilitate political and economic transformation (Confidential-EU_4: 1). The ETC, which represents a non-exhaustive 'compendium' of the EU-8's and Romania's and Malta's experiences and expertise in political and economic transition, is primarily a measure to increase these countries' involvement in the EC's/EU's development policy (Commission 2010f: ii). In contrast, the CEECs regard the ETC as a tool, which is supposed to 'complement the already existing EU [EC] development toolbox with a "living pool of expertise"' and

which requires an own financial allocation within the framework of the EC's financial aid instruments after 2013 (Confidential-NMS_5: 1).

The ETC represents so far the most substantial attempt by the EU-8 to capitalise on their transition experience in the EC's development policy and affect the EC's existing development aid instruments (see, also, Svarovska/Kucharczyk 2011: 8). So far the ETC remains only a document which has not been integrated in the EC's financial aid instruments for the period 2014-2020.

The following section analyses why the EU-8's attempt to operationalise the ETC in terms of establishing a separate or integrated budget line in the EC's financial aid instruments has failed to materialize. It starts with the background of the ETC, outlining where the initiative came from and what has happened so far, followed by a definition of the EU-8's positions on the follow-up to the ETC. The third subsection summarises the outcomes of the EU-8's attempt to capitalise on their transition experience in the EC's development policy. Its focus is on the rhetorical and operational level of the EC's/EU's development policy. The final subsection analyses why the outcome of the EU-8's attempt to expand the EC's aid 'toolbox' to include transition experience has been 'disappointing' so far (Interviews-NMS_8, NMS_11 and NMS_32).

4.1.1 The origins of the ETC

Although the new member states' specific transition experience was acknowledged in the ECoD of December 2005, it was not until November 2008 that the initiative was announced for the first time at a roundtable discussion during the 2008 European Development Days in Strasbourg (Interview-NMS_25). The ETC was launched on the personal initiative of a Director at DG Development after close consultation with officials from the Permanent Representation of Poland to the EU (Interview-EU_16). It can be argued that the ETC came from an EU-8 country, namely Poland, as the high level official at DG Development (Head of Directorate A) who initiated it, was a former Polish ambassador to the Political and Security Committee of the EU from 2003 to 2008. Within the framework of the Commission's programme for enhancing the participation of the new member states in the EC's/EU's development policy, this Director prepared a policy paper for the Commissioner for Development,

Louis Michel, suggesting several measures to increase the EU-12's contribution to the EC's/EU's development policy (Interview-EU_16). The ETC was one of these measures.

At the beginning, discussions evolved around the concrete form of the ETC. Two different options were put forward. The first included the setting up of an IT-supported database, similar to that of TAIEX.²⁸ The second option was rather analytical and envisaged the compilation of a report on member states' transition experiences, expertise and best practices (Interview-EU_13). In consultation with EU member states, DG DEV opted for the report, which was considered as the easier and more useful option (*ibid.*).

The concrete Council discussions on the ETC were held on 22 April 2009, under the Czech Presidency, when a discussion paper on the ETC was circulated among member state representatives to CODEV. The discussion paper outlined the concrete setup, structure and purpose of the ETC and also included information on the further steps to be taken. It emphasised from the very beginning that the ETC was neither a financing instrument nor a new aid delivery modality but a measure to enhance the new member states' participation in the EC's/EU's development policy and to make their transition experiences and expertise available to developing countries (Confidential-NMS_1: 1). However, as the discussion paper stressed, the ETC was not supposed to be limited to the transition experiences and expertise of the EU-12 only. It was meant as a 'non-exhaustive compendium of experiences, good practices and available expertise' in political and economic transition from all EU member states (*ibid.*).

The idea was generally well received by the member state representatives to CODEV, although it was clear that the ETC would primarily draw on the transition experiences of the EU-12 which are considered as being quite recent compared to those of the old member states. Following from the discussions on the ETC in CODEV, DG Dev decided to recruit an external expert to compile the report. The expert was expected to elaborate a 'descriptive compendium of the best practices, good experiences' and list

²⁸ TAIEX (Technical Assistance and Information Exchange) is the EU's tool to provide short-term technical assistance and advice to partner countries on the legislative approximation of a partner country's national legislation to the EU acquis, the application and enforcement of this legislation as well as on related institution and capacity building measures (Commission 2010, <http://ec.europa.eu/enlargement/taix/what-is-taix/index_en.htm> [Access 20.12.2011]).

'common positive factors' in the member states' transition processes (Confidential-EU_2: 4).

In the meantime, the Commission elaborated a questionnaire on the member states' transition experiences and expertise that was forwarded to EU member states in mid June. The member states were asked to reply by the end of July (Sanchez 2010: 5). The member states' replies to the questionnaire were meant to form the basis of the compendium. In addition, the Commission organised a technical seminar on the ETC in Brussels on 18 June 2009, where the basic concept of the ETC, the expectations of various stakeholders and options for the ETC's operationalisation were discussed. Adolfo Sanchez, the external expert who was assigned the task of elaborating the compendium and officially started his work on 26 June 2009, also attended the seminar.

The initiator of the ETC emphasised during the technical seminar that the ETC had to be 'inclusive' and not only limited to the EU-12 (Confidential-EXP_3). He explained that the original name, European Transition Compact, had been replaced by European Transition Compendium due to the legal connotations induced by the word 'compact'.²⁹ He also warned EU member states of the risk of establishing a separate budget line for transition experience, as it would isolate the whole initiative (Confidential-EXP_3). The ETC's concrete methodological approach and the expert's work-plan were further discussed during an 'Informal Breakfast Meeting', held on 2 July 2009 by member state representatives to CODEV. Representatives of only eight member states including Estonia, Latvia, Lithuania, Slovakia, Slovenia, Hungary, Romania and Bulgaria, attended this informal breakfast meeting. The Compendium was not only supposed to be based on the member states' replies to the questionnaire, which the expert received in the period from July to August 2009 but also on additional information and documents gathered during his brief country visits which were undertaken in the period from September to October 2009 (Sanchez 2010: 7). Apart from Bulgaria all EU-12 countries replied to the questionnaire. Out of the EU-15, only UK and Spain responded and sent feedback.

The original plan was to have a first draft version of the compendium discussed by the Council during its meeting scheduled for mid November 2009.

²⁹ The initiator of the ETC argued that the name was changed as compact implied that the ETC applied to all EU member states, which was not the case (Interview-EU_16).

However, the Commission dismissed the first version of the compendium submitted by the expert in November 2009 and asked him to revise it by January 2010 (Interview-NMS_14). Meanwhile, in September 2009 the initiator of the ETC left DG Dev in order to work for the President of the European Parliament. Adolfo Sanchez's contract also ended in January 2010 and DG Dev was supposed to finalise the compendium. However, it was not until May 2010 that the Commission forwarded a first draft version of the ETC to the member states asking them to verify and if necessary provide additional information (Confidential-EU_4). The deadline for contributions was set for the end of August 2010. Although the Commission completed its work on the compendium by the end of 2010, the EU-8 countries were concerned about the report's exclusively descriptive and not standardised approach. The report in this descriptive form was regarded as being of limited or no use (Interview-NMS_27). As one official from a CEEC stated, the ETC in the current form would be just a 'quite useless piece of paper' (Interview-NMS_20). The EU-8 argued that in order to make it useful it needed to be operationalised (Interview-NMS_18).

For the purpose of closer consultation and coordination of their positions not only on the ETC, the EU-12 Directors-General for Development decided to meet informally in Limassol, Cyprus, on 21-22 January 2011. The EU-8 agreed during this meeting to elaborate a joint paper on options for the ETC's operationalisation, including a proposal, originally put forward by Slovenia, to establish a separate financial budget line for transition (Gavas/Maxwell 2011: 5). As a follow-up to the discussions in Limassol, the Czech Republic circulated a first draft of the non-paper entitled 'Harnessing the transition experience in EU's external relations – from policy to implementation' to EU member states in January 2011. After further consultations with the rest of the CEECs, a second version of the non-paper was presented in February 2011, which received support from Estonia, Hungary, Latvia, Lithuania, Romania, Slovak Republic and Slovenia. Poland did not sign the non-paper because it was the next country to hold the Council Presidency and was supposed to demonstrate 'neutrality' (Interview-NMS_18).

The non-paper defined transition cooperation as a 'specific technical support', which draws on the experience of the EU and its member states in undertaking political and economic reforms in areas such as 'democratic

institution building, public administration, judicial and security sector reform, public finance management, [...]’ and ‘environment protection’ (Confidential-NMS_5: 1). The signatories asked the Commission and the EEAS to conceptualise how transition experience could be incorporated and used in the EU’s external action (*ibid.*: 2). They proposed that funds for transition cooperation could be earmarked, for example, under the DCI thematic programmes.

As the non-paper circulated by the Czech Republic remained very general with regard to the incorporation of transition cooperation into the framework of the EC’s financial aid instruments, Slovenia presented a further non-paper entitled ‘Operationalising transition cooperation’ on 23 March 2011. The purpose of the Slovenian non-paper was to specify how the ETC could be applied and incorporated into the framework of the EC’s financial aid instruments. It did so by suggesting the establishment of an IT-supported database including information on the EU-12’s transition experiences and additional documents and the set-up of a financial instrument for transition cooperation jointly co-financed by the European Commission and interested ETC member states under ENPI (Confidential-NMS_7: 3). The non-paper also outlined the general legal provisions for co-financing and highlighted two concrete options for its implementation.

The work on the IT-supported database started in spring 2011 and the prototype of this online database was first presented to member states’ representatives in mid July (Interview-NMS_6). The database is officially online since 23 November 2011. It aims to make the information on the EU-8’s and Romania’s and Malta’s experiences in transition available to the public.³⁰ In November 2011, in the run-up to the start of negotiations on the future financial perspectives and instruments for the period 2014 to 2020 the Czech Republic circulated a third non-paper entitled the ‘Incorporation of the use of transition cooperation into the legislative proposals of EU external instruments for the period after 2013’. This non-paper was signed by all ten EU member states from Central and Eastern Europe (EU-10). In terms of the geographical application of the ETC, the non-paper stated that there is demand for the transfer of transition expertise from pre-accession and neighbourhood countries as well as from countries in Asia (Confidential-NMS_6: 1).

³⁰ See European Commission <<http://www.eustransition.eu/>> [Access 20.01.2012].

With regard to the operationalisation of the ETC the EU-10 made three requests. First, they called for the inclusion of transition cooperation in the legislative proposals of the EC's aid instruments such as the Instrument for Pre-Accession Assistance (IPA), the European Neighbourhood Instrument (ENI), the IfS, the EIDHR and the DCI. Second, they asked the Commission and the EEAS to include transition cooperation in all future programming documents and in the implementation phase. Finally, they again proposed to set up 'a new effective tool to support the use of transition experience in the DCI geographical part' (Confidential-NMS_6: 1). The non-paper stated that transition cooperation should be also strengthened within other EC aid instruments such as the DCI thematic programme for non-state actors and civil society, the ENI, the EIDHR and IPA, but again remained vague as to how this could be achieved.

However, the EU-8's demands for the incorporation of a budget line for transition cooperation within the framework of the EU's aid instruments for the period 2014 to 2020 remained unfulfilled. While the new DCI and ENI regulations as well as the regulation on the implementation of the EU's aid instruments refer in various forms to the CEECs' transition experience, they do not define a budget line specifically for transition cooperation.³¹

4.1.2 The preferences of the EU-8 with regard to the ETC and its operationalisation

The following subsection outlines the preferences of the EU-8 with regard to the ETC and its operationalisation. The EU-8's position on the ETC and its operationalisation comprised three core requests. First, they wanted transition cooperation to be systematically used in the EC's/EU's development policy (Confidential-NMS_5: 2). The ETC should become a practical tool, complementing the EC's existing aid toolbox 'with a "living pool of expertise" (Confidential-NMS_5: 1). They argued that in the form of a report was of limited or no use to developing countries benefiting from the EU's development policy (Confidential-NMS_7: 1). According to the CEECs, the report as such only represented the first step in operationalising their transition experiences and expertise within the framework of the EC's development policy. From their point of view it was the Commission's responsibility to identify those elements of the

³¹ For the references to the CEECs' transition experiences in the EU's new aid instruments, see European Parliament and Council 2014a: para. 31; 2014b: Art. 3 (12) and 2014c: Art. 4 (12).

Compendium that could be used in transition cooperation with third states, and to elaborate concrete options for the ETC's operationalisation (Confidential-NMS_5: 2). In addition, to make their transition experiences and expertise easily accessible to developing countries, they suggested the set-up of an online interactive database (Confidential-NMS_7: 2).

Second, they called for a systematic incorporation of transition cooperation in relevant policy documents and statements such as the EU's new development policy strategy, the ENP strategic review, the legislative proposals of the EC's aid instruments and the programming documents (Confidential-NMS_5: 2; Confidential-NMS_6: 1). They also envisaged the possibility of using transition cooperation in EU joint programming exercises and in the implementation phase of EC aid.

Third, they wanted transition cooperation to be integrated in the framework of the EC's financial aid instruments for the period 2014 to 2020. This was their top priority with regard to the ETC's operationalisation. From the very beginning, the CEECs emphasised the importance of funding for the ETC's operationalisation. During the technical seminar on the ETC in Brussels in June 2009, the Czech Republic and Estonia raised the question about funding (Confidential-EXP_3). The first concrete proposal to establish a separate financial instrument for transition cooperation was made by Slovenia in its reply to the Commission's questionnaire (Sanchez 2010: 16). In order to use the ETC in the EU's external relations, the EU-8 considered funding for transition cooperation to be indispensable. As an official from a CEEC argued 'without financial support, it [the ETC] is just an empty shell' (Interview-NMS_20).

However, the EU-8's positions on how transition cooperation should be integrated in the EC's financial aid instruments diverged. Whereas the first Czech non-paper suggested the earmarking of funds for transition cooperation under the DCI thematic programmes, Slovenia envisaged in its non-paper the establishment of a financial instrument for development cooperation based on joint co-financing by the European Commission and interested member states under ENPI (Confidential-NMS_5: 2 and Confidential-NMS_7: 3). EU regulations envisage two possibilities of joint co-financing. Both options were dismissed by the other EU-8 countries (Interviews-NMS_10 and NMS_11). In the third non-paper, the EU-10 proposed to set up a tool for transition cooperation under the geographic section of the DCI (Confidential-NMS_6: 1)

4.1.3 What the CEECs' achieved

With regard to their second request, the systematic incorporation of the notion of transition cooperation in relevant EU documents and statements, the EU-8 have been quite successful. Apart from the about their transition management experience included in the ECoD, several other relevant EU documents include either a general reference to their transition experience or a specific reference to the ETC.

Among those which include a general reference to their transition experience are the Council conclusions of 27 May 2008, which emphasise the significance of 'the unique experiences of Member States which joined the EU since 2004' for the EU's work on aid effectiveness and division of labour in the EU's development policy (Council 2008b: 10). The Council conclusions of 18 May 2009 highlight 'the specific transition management expertise of several Member States' that could be made available to developing countries benefiting from the EU's development aid (Council 2009a: 8). The reference to transition experience is particularly strong in the Council conclusions on the operational framework on aid effectiveness adopted on 17 November 2009 in which the Council invites the Commission and the member states to 'use where appropriate the transition experience in technical cooperation, as well as in broader development cooperation programmes, to support capacity building in partner countries' (2009d: 11).

The Council's conclusions on the MDGs of 14 June 2010, which constituted the EU position at the UN High-Level meeting in New York in September 2010, include a very clear reference to the new member states' transition experiences and the ETC by emphasising 'the importance of capitalising on the transition experience [of the CEECs] and strengthening their role as donors' (2010b: 8). It is further stated that the Council 'welcomes the on-going work on the European Transition Compact (ETC) with a view to making it operational' in the EU's development policy as soon as possible (*ibid.*). As requested by the EU-8 the Commission's recent Green Paper on increasing the impact of EU development policy also includes a reference to the EU's transition experience, which is regarded as valuable with regard to the EU's efforts to strengthen good governance and build up institutional and administrative capacity in developing countries (Commission 2010g: 8). The

Commission's subsequent communication on the agenda for change also refers in one paragraph to the EU's experience in managing transition (Commission 2011o: 10). The subsequent Council conclusions of 14 May 2012 underline that 'In its support for transition and reform' in developing countries, the 'EU and its Member states will continue to draw on and to share the experiences of Member States and lessons learned from its enlargement' (Council 2012a: 3). The Commissioner for Development Cooperation Adris Piebalgs also pointed to the ETC and the online database during his opening speech at the European Development Days in Warsaw in December 2011 (Piebalgs 2011: 2).

To sum up, with regard to the incorporation of transition cooperation in relevant EU policy documents and statements, it can be argued that the EU-8 has been quite successful. Several of the aforementioned documents, which include a reference to transition cooperation or the ETC, are relevant EU documents or positions, which were presented at UN high-level meetings, and thus not only limited to the EU level.

With regard to their request to make the ETC ready to use in the EC's/EU's development cooperation, the EU-8 has succeeded in getting their voice heard with regard to one aspect, namely the setting up of an online database, which aims to make their transition experiences and expertise available to developing countries. It is operational since 23 November 2011. Apart from that, the EU-8 has not managed to get the Commission to elaborate concrete options for the ETC's operationalisation. Although the EU-8 emphasised from the very beginning that the report alone would be of limited or no use in the EC's/EU's development cooperation if it were not followed by measures to turn it into a practical tool, the ETC remains for the time being only a report. That is exactly what the EU-8 did not want. As one interviewee from an EU-10 country argued, 'we did not want just another report' but supported the Commission's idea to compile the ETC as 'we hoped that once we are with them, they [the Commission] will also listen to us, what we want. [...] Instead, they are doing what they are always doing, writing a report and sending experts' (Interview-NMS_14). Another interviewee from a CEEC pointed out that his country was 'not interested in the report' but 'concerned about the operationalisation' (Interview-NMS_11).

With regard to the EU-8's third request to integrate transition cooperation in the framework of the EC's financial aid instruments for the period 2014 to

2020, the CEECs had only limited impact. As requested by the CEECs, the new DCI regulation, the new ENI regulation as well as the new regulation on the implementation of the EU's aid instruments all refer to member states' transition experience and lessons learned from their accession process (European Parliament and Council 2014a: para 31, 2014b: Art. 3 (12) and 2014c: Art. 4 (12)).³² The DCI regulation, for example, states that the EU and its member states 'shall, as appropriate, draw from and share the reform and transition experiences of Member States' (European Parliament and Council 2014b: Art. 3 (12); emphasis added). The new ENI regulation notes that member states' 'transition experience can also contribute to the success of reforms in *European Neighbourhood countries*' (European Parliament and Council 2014a: para. 31; emphasis added). The word 'shall' implies a stronger obligation to make use of transition experiences than alternative words such as 'may'. Moreover, the reference to the 'European Neighbourhood countries' implies that the EU-8's transition experience seems to be of particular use to the Eastern ENP partners. However, any of these new regulations includes a provision on the earmarking of funds for transition cooperation as demanded by the EU-8. In this regard, the EU-8 failed to make their voice.

To sum up, the outcome of the ETC so far can be regarded as modest or even 'a failure' as it has not been operationalised yet (Interviews-NMS_8, NMS_11 and NMS_32). As one interviewee from a CEEC emphasised 'it's good that the ETC exists' but in terms of operationalisation and implementation 'it is a bit disappointing' (Interview-NMS_8).

4.1.4 Explaining the CEECs' impact

The following subsection aims to analyse why the CEECs' impact on the implementation of the ETC has been modest. It systematically applies the three sources of member states' impact (material, institutional and ideational) to the CEECs' attempts to shape the discussions on the implementation of the ETC according to their preferences. As noted in the introduction to this chapter, the ETC got stuck at the agenda-setting stage. There were no Council negotiations

³² In addition to these regulations the new regulation on the Instrument for Pre-Accession Assistance (IPA II) also refers to the CEECs' transition experience (European Parliament and Council 2014d: para. 12). However, IPA is strictly speaking not a financial instrument from which developing countries can benefit. It covers the EU's cooperation with its candidate countries.

on its implementation. For this reason, the following analysis is limited to the agenda-setting stage.

4.1.4.1 Material sources of impact

EU member states can increase their impact on a policy outcome by building a powerful coalition backing their initiative. In the ETC case the CEECs' possibilities for building a coalition with several EU-15 countries were limited. As underlined by several EU-15 representatives, their governments were generally 'sympathetic' to the initiative but did not actively participate in the ETC process (Interviews-OMS_12, OMS_17). For most EU-15 countries, the initiative was of little or no interest (Interview-EU_24). This can be seen from the fact that out of the EU-15 countries only Spain and the UK responded to the Commission's questionnaire which aimed to collect member states' transition experiences (Sanchez 2010: 6). However, the UK's response to the questionnaire 'was not directly related to "transition"' and Spain's response was rather formal and symbolic demonstrating its willingness to provide fragmented information on its transition experience in some of the areas addressed in the questionnaire, 'but without any further content' (*ibid.*). Some other old EU member states such as Germany whose transition experience was regarded as being quite recent, did not reply to the Commission's questionnaire either and showed little interest in participating in the initiative despite the consultant's and DG Dev's frequent attempts to get it involved (Sanchez 2010: 7). The indifferent position of most EU-15 countries on the ETC did not prevent the CEECs from pushing the ETC on the EU's/EC's development cooperation agenda. However, as soon as the initial discussions at the agenda-stage became more specific by addressing questions such as the set-up of a financial instrument for transition cooperation, the few initially interested old member states such as Spain withdrew from the ETC debate (Interview-NMS_25). In order to lift the ETC to the decision-making stage, the CEECs would have needed to gather support from several EU-15 countries such as Germany and Ireland. As argued by a high level Commission official, the EU-8 did not 'pursue a policy of outreach to the "old" member states' such as Germany and Ireland (Interview-EU_35). He regarded the support of in particular Germany as necessary and useful in order to push the ETC to the next stage (*ibid.*). The CEECs could have tried also to involve Ireland in the

initiative which has a very recent experience in fiscal consolidation and the management of fiscal budget lines (*ibid.*). The CEECs' support alone was 'not enough' for lifting the ETC to the next stage. In order to push the ETC to the decision-making stage, the CEECs' would have needed the backing of several 'old' and/or large EU-15 countries such as Germany and Ireland. Indeed the CEECs did not try to win the support of Germany for the initiative (Interview-OMS_36). As criticised by an EU official 'It is not enough if this Compendium lives here [...]. If Germany and Poland are on the train, it will leave' (Interview-EU_35).

To summarise, the CEECs managed to put the ETC on the EU's/EC's development cooperation agenda despite the lack of interest of most EU-15 countries in the initiative. However, in order to push the ETC to the decision-making stage the EU-8 would have needed the support of several 'old' and/or large EU-15 countries such as Germany and Ireland.

The CEECs' ability to build a coalition with several EU-15 countries was further constrained by several internal disagreements among the EU-8 on the ETC's operationalisation, namely how it should be integrated in the EC's financial aid instruments and whether it can be applied to all developing countries or only to some.

Concerning the financial integration of transition cooperation in the EC's financial aid instruments, the EU-8 disagreed as to whether transition cooperation should be integrated in one of the EC's existing aid instruments and if so, in which one, or whether a separate financial instrument for transition support should be set up. Apart from Slovenia, which originally advocated the creation of a separate instrument for transition cooperation, the other EU-8 countries wanted transition cooperation to be included as a budget line in one of the EC's existing financial aid instruments such as the DCI under the thematic programmes (see on these positions, Confidential-NMS_5: 2).

Although the idea of creating a separate financial instrument for transition cooperation was dropped later on due to the lack of support from the other EU-8 countries and the Commission, various other ideas were floated by the EU-8 as to how transition cooperation could be included in one of the EC's financial aid instruments (Interview-NMS_6). Whereas the Czech government put forward the idea of including transition cooperation in the DCI under its thematic programmes or the geographic programme, Slovenia proposed to raise funds

for transition cooperation within the framework of joint co-financing by the Commission and the member states under ENPI (Confidential-NMS_7: 4). The Baltic States have suggested either the inclusion of transition cooperation in the Instrument for Stability or the fixing of a certain percentage of funds dedicated to transition cooperation under Twinning (Interview-NMS_11). The latter was particularly advocated by Estonia and Poland (Interviews-NMS_9 and NMS_11). The CEECs were not able to reach a common position on this aspect. As one interviewee from an EU-10 country admitted, the CEECs were 'so disunited about it' and did not 'know what [they] want [ed]' in this regard (Interview-NMS_10).

The second contentious aspect of the ETC's operationalisation was related to its geographical application. The EU-8's views on the geographical application of their transition experiences and expertise varied and they disagreed as to whether it could be used in the EC's cooperation with all developing countries or only in cooperation with the neighbourhood countries and accession candidates. The Czech non-paper remained unclear in this regard and referred to 'developing countries worldwide' while emphasising the particular focus on 'partner countries that aim to acquire the EU norms, standards and relevant part of *acquis*' (Confidential-NMS_5: 1). This question became particularly relevant after the Arab Spring revolutions. Indeed, discussions were held whether the CEECs could provide transition support to South Sudan, Tunisia or Libya (Interviews-OMS_17 and NMS_25). However, again the EU-8 countries were not able to reach a common position on this aspect, with Poland advocating the idea and the Czech Republic hesitant and sceptical due to the fundamentally different circumstances in these countries (Interview-NMS_25). The old member states shared this scepticism (Interviews-OMS_12 and OMS_36). The internal disagreements among the EU-8 on the operationalisation and regional applicability of ETC did not prevent the EU-8 from placing the ETC on the EC's/EU's development cooperation agenda. However, they deterred several EU-15 member states from joining the EU-8 on the ETC. Due to the fact that the CEECs were mainly 'arguing among themselves' over the ETC, it was generally 'difficult [for the EU-15 countries] to find out what they [the EU-8] are talking about' (Interview-OMS_17). The internal disagreements thus constrained the CEECs' possibilities for pushing the discussions on the ETC's operationalisation further.

Most EU-15 countries were indifferent to the ETC. They preferred to be not involved and leave it to the EU-8 (Interview-EU_24). They had little or no interest in the ETC. This can be seen from the fact that the EU-15 representatives did not attend the informal breakfast meeting on 2 July 2009 where the ETC's approach and the consultant's work-plan were presented. As outlined above most EU-15 countries attached no or limited importance to the initiative. They simply did not need it (Interview-NMS_11). For this reason they were not willing to devote any substantial resources to the ETC. Following the theoretical assumptions of the 'salience of an issue' the EU-15 had a superior bargaining position, as they were not dependent on a particular policy outcome. In contrast, for many EU-8 countries the operationalisation of the ETC was a matter of 'make-or-break' (Interview-EU_35). However, there is evidence suggesting that the importance, which the individual EU-8 countries attached to the operationalisation of the ETC, varied.

The EU-8's active lobbying for the ETC was limited. As admitted by an EU official, the Commission was 'puzzled that they are not asking, calling or writing letters' in order to push the initiative (Interview-EU_35). As argued by an official, 'not all EU member states have even seen the Compendium' (Interview-OMS_17). The EU-8's calls for the operationalisation of the ETC were limited to Brussels. There were no such demands from the respective ministers of the EU-8 countries (Interview-EU_35). The ministries in the capitals of the EU-8 were not involved. For this reason, it was difficult for the EU-8 to push the ETC further as there was no debate in the Council on the use of the EU-8's transition experience in EC/EU development policy (Interview-NMS_34). Moreover, not all EU-8 countries were equally committed to the promotion of the ETC. While the Czech Republic and Slovenia were very attached to it and drafted almost all non-papers, others such as Hungary and Poland adopted a more cautious approach. Hungary, for example, did not put the ETC on the agenda of its Council Presidency in the first half of 2011 (Interview-OMS_12).

To sum up, the CEECs' managed to place the ETC on the EU's/EC's development cooperation agenda despite the EU-15's limited interest in the initiative and superior bargaining position. However, due to the only half-hearted support of some EU-8 countries for the initiative and the lack of involvement of the ministers from their capitals, the EU-8 did not manage to push the ETC to the decision-making stage where the EU ministers for development could have

seriously discussed the earmarking of funds for transition cooperation in the EU's new financial aid instruments.

4.1.4.2 Institutional sources of impact

Development cooperation represents one of the few areas of EU foreign policy where the competences of the Council Presidency have not changed after the coming into force of the Lisbon Treaty (see chapter 3). The main discussions on the possible implementation of the ETC took place in the period from 2009 to 2012 in which also three EU-8 countries held the Council Presidency: the Czech Republic in the first half of 2009, Hungary in the first half of 2011 and Poland in the second half of 2011. Of these three EU-8 countries only the Czech Republic used its authority as the Council Presidency to push the discussions on the ETC at the agenda-setting stage (Interview-OMS_17). The first discussion paper on the ETC was elaborated by the Czech Presidency together with the then director at DG Dev already in February 2009 and circulated in the CODEV working group during its meeting on 22 April 2009 (Confidential-NMS_1). By circulating the discussion paper the Czech Presidency managed to place the ETC on the EC's/EU's development cooperation agenda.

The initial discussions on the ETC in CODEV led to further discussions and finally resulted in the Commission's decision to elaborate the questionnaire and hire an expert to compile the transition experiences of the EU-12 countries in summer 2009. While the Czech Republic remained strongly committed to the initiative, also after its Council Presidency, Hungary and Poland decided to not designate the ETC as the first priority of their Council Presidencies but instead to focus on their individual, niche areas of expertise such as water and Eastern Europe. However, they took up the ETC and were willing to use their Council Presidencies for promoting further discussions on the operationalisation of the ETC in CODEV. All three non-papers on the operationalisation of the ETC were circulated during the Hungarian and Polish Council Presidency. In conclusion, the Czech Republic used its Council Presidency for placing the ETC on the EC/EU development policy agenda and opening up the debate on its use and possible operationalisation in EC/EU development policy. Hungary and Poland used their Council Presidencies for ensuring that the ETC remained on the EC's/EU's development cooperation agenda. However, all three EU-8 countries

were hesitant to use their Council Presidencies' competences for pushing the ETC discussions to the level of ministers. The Council Presidency's commitment to neutrality was one of the reasons for the EU-8's reservations in this regard. Poland, for example, did not sign the first non-paper on the operationalisation of the ETC for this reason (Interview-NMS_10).

The Commission's interest in an issue is considered to be a decisive factor for the success of an initiative, as the Commission usually plays a leading role in the formulation of EC development policy (Horky 2010: 15; see also chapter 3). The EU-8's possibilities for securing the Commission's support for the ETC were limited due to the Commission's lack of interest in the ETC, the Commission's opposition to the set-up of a financial instrument for transition cooperation and the EU-8's constrained ability to work 'through' the Commission. From the very beginning, the Commission's interest in the ETC was rather limited. This can be seen from the fact that it was not until 2009 that the ETC was formally launched, thus four years after the EU's first official commitment to capitalise on the new member states' transition experience was included in the ECoD. As the initiator of the ETC emphasised he was then the only high-level official at DG Dev who realized the added value of the new member states' transition experience for the EC's/EU's development policy and was interested in launching the ETC (Interview-EU_16). The Commission's interest in the initiative decreased after he left DG Dev in September 2009.

Since then, only one part-time official at DG DevCo was in charge of the ETC. The Commission's lack of commitment and interest in the initiative after 2009 was acknowledged not only by the consultant hired to compile the report but also by several officials from the CEECs and the EEAS. The consultant in charge of elaborating the ETC stated in his assignment report that the Commission should take 'a more active stance' on the use of transition experience in its cooperation with third states and develop 'its own mechanisms and instruments' for this purpose as it was its duty to manage substantial parts of the EU's development aid (Sanchez 2010: 20). One interviewee from a CEEC emphasised that every initiative needed a 'champion' in order to succeed (Interview-NMS_8). He added that since the initiator of the ETC had left DG Dev by the end of 2009, there was no one in the Commission who was really committed to the ETC.³³ He argued that the Commission 'is not knowledgeable'

³³ Several other interviewees from the CEECs confirmed this point.

about it and not able to elaborate concrete options for the ETC's operationalisation (Interview-NMS_8).

Due to the EU-8's low number of permanent staff working at DG Dev, they were not in a position to find alternative, high-level Commission officials who could push the ETC. At DG DevCo and ECHO³⁴ only two officials from the EU-8 held senior management positions. The human resources statistics reveal that the EU-8 were underrepresented in DG DevCo in 2012. Only 39 officials at DG DevCo had the nationality of one of the eight countries from Central and Eastern Europe in 2012. In contrast, there were 149 officials at DG DevCo of Spanish nationality alone (Commission 2012a). Several officials from the CEECs admitted that it is generally difficult for them to get information from DG DevCo due to their limited number of permanent officials there (Interviews-NMS_20 and NMS_27). One interviewee from a CEEC argued that two years ago DG DevCo was 'completely French' and although the situation was slowly changing, it had 'to get used' to the EU-8 (Interview-NMS_25).

Many officials from the CEECs hoped that the situation would change with the then new Commissioner for Development, who took up his position in February 2010. Andris Piebalgs comes from Latvia and has been regarded as being more sensitive to the CEECs' development policy concerns than his predecessor, Louis Michel. Indeed, the EU-8 lobbied Andris Piebalgs during his 'tour des capitales', which started in the CEECs, to push the ETC (Interview-NMS_6). Apparently he liked the idea but was not convinced of it (*ibid.*). In addition, he was inexperienced in EC development cooperation at that time.³⁵ He has had a strong interest in not being regarded as biased towards the development policy preferences of the CEECs (Interview-EU_16). While he actively supported the inclusion of a reference to the EU-8's transition experience in the Commission's agenda for change communication, he was aware that if he had pushed the ETC 'too strong' the whole initiative would have been 'killed' (Interview-EU_35).

In addition to the Commission's general lack of interest in the ETC and the EU-8's limited possibilities for drawing on the support of high-level Commission officials for pushing the initiative, the Commission was strictly

³⁴ ECHO is the European Commission's department for humanitarian aid and civil protection (see the Commission's website <<http://ec.europa.eu/echo/en/who/about-echo>> [Access 29.07.2014]).

³⁵ Before becoming the EU Commissioner for Development in February 2010, Andris Piebalgs was the EU Commissioner for Energy from 2004 to 2009.

against setting up a financial instrument for transition cooperation as demanded by the EU-8. From the very beginning the Commission regarded the ETC as an 'entry point' for more EU-12 participation in the EC's/EU's development policy, as a measure to enhance their contribution to this policy.³⁶ The ETC aimed not only to help the new member states to build up their capacities to disburse development aid but also to raise the public's awareness about development cooperation and to increase public support for providing development aid (Commission 2010f: ii). The ETC was meant to strengthen the role of the new member states as EU donors and to promote their 'ownership' of EC/EU development policy (Confidential-NMS_1: 1). Since the very beginning the Commission frequently emphasised that the ETC was neither a financing instrument nor a new modality for disbursing aid (see, for example, Confidential-NMS_1: 1).

To sum up, initially in the period from January to September 2009 the EU-8 countries were in a position to draw on the support of the then director at the DG Dev who strongly advocated the operationalisation of the ETC. The EU-8 used this Commission official's support for placing the ETC on the EC's/EU's development cooperation agenda and promoting a discussion in CODEV on the possible elaboration and use of the ETC. As soon as this high-level official left DG Dev the discussions on the further operationalisation of the ETC stalled. Due to the Commission's opposition to set up a financial instrument for transition cooperation, the CEECs' were not in a position to add the question of funding for transition cooperation to the EC's/EU's development cooperation agenda.

The decision-taking rules represent a further institutional source of member states' impact. As outlined above, the discussions on the ETC were limited to the CODEV working group and have never involved ministers for development or foreign affairs of member states. For this reason, it is unlikely that the decision-making rules account for the CEECs' failure to set up a financial instrument for transition cooperation.

³⁶ An internal document of the European Commission disclosed during an interview (Interview-EU_13).

4.1.4.3 Ideational sources of impact

Member states can increase their impact on a policy outcome by presenting credible and strong arguments in favour of their position and/or by presenting an initiative as of added value to the whole EU ('framing').

The EU-8's attempts to frame the ETC as an initiative of benefit to the whole EU suffered from several procedural and empirical shortcomings. These deficits not only made the 'old' EU member states believe that the ETC was an exclusive EU-8 matter but also question its added value for the EC's/EU's development cooperation. Although the Commission has emphasised from the very beginning that the ETC should be a 'non-exhaustive compendium' of the political and economic transition experiences, expertise and best practices from the then all twenty-seven member states and not only from the EU-12, many 'old' EU member states questioned the purpose of providing information about their transition experience as this was several decades old (Confidential-NMS_1: 1). As admitted by a representative from an 'old' EU member state, his country's 'transition is history' which one 'can find it in historic books' (Interview-OMS_17). For this reason many EU-15 countries refused to contribute to the compendium. In consequence, it was 'perceived pretty badly' by the EU-15 (Interview-EU_35). The EU-15 did not like it because they regarded it as an attempt by the EU-8 'to create a bloc' (*ibid.*).

The second shortcoming of the EU-8's framing attempt concerned the specific form and content of their proposals on the operationalisation of the ETC. The EU-8 did not make sufficiently clear 'what exactly' of their transition experiences and expertise can be transferred to transition processes in developing countries (Interviews-OMS_17 and OMS_36). As argued by an official from the Commission the EU-8 countries 'have to be more concrete on what they have to offer and how to use the compendium' (Interview-EU_35). Indeed, the EU-8's proposals remained vague on this aspect. Whereas the Czech non-paper defined transition cooperation as a 'specific technical support' which draws on the EU's and member states' specific experience in undertaking political and economic reforms 'in areas such as democratic institution building, public administration, [...], public finance management, [and] market economy reforms', it also emphasised that transition cooperation should be used to support democratic processes, to protect human rights and to strengthen civil

society in developing countries (Confidential-NMS_5: 1). However, it is hard to imagine how technical transition support could induce political processes such as democratisation or the strengthening of civil society in developing countries (see Horky 2011: 5). The CEECs were aware of this problem. Due to their limited experience in providing development aid, they had ‘no concrete visions’ of how the ETC could be operationalised and used in EC development cooperation (Interview-NMS_11). They were not in a position to present any concrete and innovative ideas and proposals for its fulfilment in EC development policy (Interview-NMS_11). For this reason they asked the Commission to ‘categorize “the pool of expertise” to be used in EU transition cooperation’ with developing countries (Confidential-NMS_5: 2).

As outlined in the introduction to this section, the EU-8 has a comprehensive, and still recent, knowledge and experience in economic and political transition which could be of benefit to developing countries in transition to democracy and market economy (Szent-Iványi/Tétényi 2008: 582). Neither the Commission nor the EU-15 countries questioned the EU-8’s expertise and experience in implementing political and economic reforms within the framework of transition processes (Interview-OMS_36). Indeed, the CEECs’ transition experience is widely regarded as ‘unique’ due to its peaceful nature and pace, offering significant ‘potential for their impact’ on the EC’s development policy (Interviews-OMS_17 and EU_16). However, the EU-8 was not in a position to present persuasive arguments for the set-up of a financial instrument for transition cooperation. The Commission argued that the EU had enough financial aid instruments at its disposal and that it was in the interest of the Commission to reduce rather than increase the number of EC aid instruments (Interviews-EU_7 and EU_24). In particular the Commission questioned the need for a separate financial instrument for transition cooperation as the EC’s financial aid instruments for the period 2007 to 2013 included provisions on financing technical cooperation under which transition cooperation could be subsumed (*ibid.*)³⁷

Indeed, the respective ENPI and DCI regulations allow for financing technical cooperation measures including the secondment of experts from a member state’s administration to a partner country either within the framework

³⁷ See also specifically for the Commission’s position on the ETC the written response given by Stefan Füle, the EU’s Commissioner for Enlargement and Neighbourhood Policy, to a request put forward by the Czech MEP Jan Zahradil on 31 March 2011 (Füle 2011; Zahradil 2011).

of short-term assistance under TAIEX³⁸ or within the framework of long- or medium-term cooperation projects under Twinning³⁹ (Sanchez 2010: 22; also, Füle 2011). However, the focus of both programmes is on assisting in the legislative approximation to the EU acquis and the administrative or institutional capacity building. This financing possibility is not envisaged in the EDF regulation (Sanchez 2010: 22). Finally the Commission pointed out that the ETC was limited to the CEECs and did not involve all EU member states as originally envisaged. Comparable to member states' cooperation within the framework of the EU's Strategy for the Danube Region⁴⁰, the EU-8 could draw on funds provided under the European Regional Development Fund, the Cohesion Fund and the European Social Fund in order to finance transition cooperation (Interview-EU_7).

Moreover, many EU-15 countries questioned in particular how the ETC could be used in order to assist developing countries in political and economic transition processes as the report alone was of limited use as also acknowledged by the EU-8 countries themselves (Interview-OMS_36).

The timing of the ETC can be regarded in general as favourable. The first discussion on the ETC in CODEV started in April 2009, almost two years in advance of the negotiations on the EC's new financial aid instruments. Therefore the EU-8 had sufficient time to elaborate concrete ideas for the operationalisation of the ETC which could then have been promoted in the discussions on the new financial aid instruments. However, this period also still suffered from the repercussions of the Eurozone crisis. For this reason, it can be assumed that in particular the net contributors to the EU budget EU-15 countries were sceptical about setting up new aid instruments.

The revolutions of the Arab Spring provided new impetus to the discussions on the possibilities for operationalising the ETC. They opened up a

³⁸ On TAIEX, see footnote 28.

³⁹ The European Commission launched Twinning in 1998 with the aim to provide long-term assistance to candidate countries in the approximation of their legislation to the EU acquis, the application and enforcement of EU legislation. Twinning assistance is mainly provided through the secondment of officials or experts from EU member state administrations to the respective partner country administrations (European Commission 2012, <http://ec.europa.eu/europeaid/where/neighbourhood/overview/twinning_en.htm> [Access 09.02.2012]).

⁴⁰ The EU's Strategy for the Danube Region aims to promote this region's development and foster cooperation and coordination among countries located in it which face common challenges such as floods, water pollution, insufficient road, rail transport and energy connections and organised crime (Commission 2010h: 4). The strategy involves eight EU member states and six non-EU countries (*ibid.*: 12). It does not provide new funds for cooperation but draws on the EC's existing funding instruments as outlined above.

window of opportunity for the CEECs to put their transition expertise and support into practice and make it available to North African countries in transition such as Tunisia, Libya and South Sudan. Indeed, the EU-8 used the Arab Spring revolutions for demonstrating the added value of their transition experience and for underlining the need for the operationalisation of the ETC (Interviews-OMS_17 and NMS_25). Radoslaw Sikorski, the Polish Minister of Foreign Affairs, was convinced after his first trip to Benghazi in May 2011, that 'Europe's former communist countries can make a special contribution to the process of transition across North Africa' (2011). The visit of the former Polish president Lech Walesa to Tunisia in order to assist and advice the country on the elaboration of a new constitution and election laws also aimed to demonstrate the added value of their transition experience.⁴¹ However, not all EU-8 countries were convinced of the transferability of their transition expertise and experience to the North African countries (Interview-NMS_25).

To summarise, in the case of the ETC the EU-8 was in a position to draw on their transition experience and expertise in order to place the ETC on the EC's/EU's development cooperation agenda. The revolutions of the Arab Spring provided a good justification for keeping the ETC on the EC's/EU's development cooperation. However, despite the favourable timing of the ETC, the EU-8's proposals for its operationalisation were too vague. They failed to convince other EU member states of the ETC's added value for the whole EU and did not manage to provide persuasive arguments for the set-up of a financial instrument for transition cooperation.

5. Conclusions

This chapter has reviewed and evaluated the EU-8's attempts to affect the content of EC/EU development policy across three aspects of policy substance (regional coverage, objectives and priorities as well as instruments). It has differentiated between three categories of the EU-8's impact including 'defensive', 'divisive' and 'innovative' impact. This chapter has demonstrated that the EU-8's impact on the substance of EC/EU development has varied in form and extent. In the majority of the cases analysed in this chapter the

⁴¹ For further EU-8's attempts to demonstrate the added value of their transition experience for the countries in North Africa in the aftermath of the Arab Spring see Mikulova/Berti 2013.

CEECs' impact on the substance of EC/EU development policy can be classified as low, limited to soft law instruments and 'defensive' in nature. It mainly pertained to EU but not EC development aid.

The EU-8's impact on the regional coverage of EC/EU development policy was limited to the exemptions they managed to negotiate from the EU's commitment to provide at least half of its increases in ODA to Africa and to target its aid efforts on the LDCs and LICs. These exemptions were included in various soft law instruments of which some had high political relevance and reached out to the multilateral level. However, the EU-8's exemptions from these EU commitments remained without tangible effect on the geographical allocation of EC aid. For this reason, their impact on the regional coverage of EC/EU aid can be regarded as low.

The CEECs' impact has not been much higher on the objectives and thematic priorities of EC/EU development policy. The EU-8 has a strong interest in keeping their development aid budgets and their commitments to aid increases as low and as loose as possible. Against this background they succeeded in negotiating separate, lower ODA targets. This gap in ODA targets has been included in almost all development-related EU documents of which some were politically highly significant and presented as EU positions in multilateral fora. However, the EU-8's concessions remained without implications for EC aid. It could be at best argued that they have had indirect effect on the total volume of EU development aid. But even then, it remains questionable to what extent higher ODA targets for the EU-8 would indeed have led the EU-8 to increase their ODA.

The EU-8's impact has been slightly higher on the instruments of EC/EU development policy. The ETC represents an example of the EU-8's low to medium impact. The added value of their transition experience has not only been acknowledged in various soft law instruments of high political relevance but also in legislative acts such as the new DCI and ENI regulations. It thus pertained to EC aid. However, it remained without any implications for the programming of EC aid. Table 4.2 summarises the CEECs' impact on the substance of EC/EU development policy.

Table 4.2: The CEECs' impact on the substance of EC/EU development policy

	Main request	Legislative act or soft law	High or low relevance	EU or EU and multilateral level	Marginal or considerable change
Regional coverage	'It's not all about Africa!'	Soft law instruments	High relevance	EU and multilateral level	Marginal change, no tangible effects on (EC) policy implementation
	Focus on MICs	Soft law instruments	High relevance	EU and multilateral level	Marginal, no tangible effects on (EC) policy implementation
Objectives and priorities	Separate ODA targets	Soft law instruments	High relevance	EU and multilateral level	Marginal, no tangible effects on (EC) policy implementation
Instruments	Operationalisation of the ETC	Legislative acts and soft law	High relevance	EU and multilateral level	Marginal to medium, limited effects on EC policy implementation
	Funding for transition cooperation				

As outlined above the majority of the EU-8's attempts to impact on the substance of EC/EU development policy which were analysed in this chapter has been defensive. Their attempt to incorporate their transition experience into the EC's aid toolbox provides the only exemption in this regard and represents a case of their innovative impact.

The in-depth case study on the ETC demonstrated that in those cases where the EU-8 tried to have innovative impact on EC development policy, it was limited to the agenda-setting stage. In cases where they had defensive impact they managed to make their voice heard also at the decision-making stage.

As shown in this chapter EC/EU development cooperation represents an area where the EU-8 not only lags behind in terms of material resources but has also limited expertise and knowledge apart from their transition experience. Due to their low ODA rates, they are in general regarded as small donors and not eight independent decision-makers (Interview-EXP_15). And as admitted by an official, 'small donors are not considered as partners' by the Commission and other generous donors (Interview-NMS_27).

By acting on the principle of minimal financial commitments and objecting to 'anything that would increase [their] contribution', the EU-8 pursues

fundamentally different priorities from those of the EU-15 in EC/EU development policy, which limits their possibilities for building coalitions (Interview-NMS_25). Apart from their transition experience and expertise in the promotion of good governance, the EU-8 has also limited ideational sources on which they could draw in EC/EU development policy. As a consequence they tend to be active only on those aspects on which 'they have some experience on their own' but less in other key areas of EC development policy such as poverty reductions or aid effectiveness (Interview-OMS_12). As outlined in the in-depth case study on the ETC, they could use these limited ideational sources as well as their Council Presidencies and the support of one high-level Commission official for putting the ETC on the EU's/EC's development agenda. However, they did not manage to push the initiative to the decision-making stage due to the lack of material sources.

Chapter 5

The different approaches of member states to the European Neighbourhood Policy

1. Introduction

With the 'big bang' enlargement in 2004, the EU obtained not only ten new member states but had also to face several politically and economically unstable new neighbours at its extended Eastern frontiers (Smith 2005b: 757; Whitman/Wolff 2010: 3). As a response to the potential risk of instability spilling over from its newly acquired Eastern neighbourhood and in order to avoid the emergence of 'new dividing lines' between the EU and its new Eastern neighbours, the EU began to devise a strategic approach to dealing with its neighbours resulting in the formal launch of European Neighbourhood Policy (thereafter ENP) in 2003. The initially suggested 'Wider Europe' initiative which aimed at Ukraine, Moldova, Belarus and Russia, was developed into a fully-fledged policy which was extended to cover countries in the Southern Mediterranean neighbourhood and the South Caucasus. Altogether ENP encompasses 16 neighbouring countries, six in Eastern Europe and South Caucasus including Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine, and ten in the Southern and Eastern Mediterranean including Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Occupied Palestinian Territory, Syria and Tunisia.⁴²

With the launch of ENP in 2003 these two very different groups of neighbours were lumped together into one neighbourhood policy, which was complemented in 2008 and 2009 by several multilateral 'regional' frameworks for cooperation including the Union for Mediterranean (UfM) for the EU's Southern neighbours and the Eastern Partnership (EaP) for the EU's Eastern neighbourhood.⁴³

In return for the successful implementation of political, economic and social reforms stipulated in so-called Action Plans (APs), which form the backbone of ENP, the EU offers its neighbours 'more than partnership and less

⁴² Russia does formally not take part in the ENP but benefits from the financial assistance provided under the European Neighbourhood and Partnership Instrument (ENPI).

⁴³ Other multilateral, regional frameworks for cooperation that complement the ENP include the Black Sea Synergy which was launched in Kiev in 2008.

than membership' including deeper political and economic integration in the form of a 'stake in the EU's Internal Market', financial support, participation in some community programmes and visa facilitation (Prodi quoted in Gänzle 2008: 7; Commission 2003b: 4).

The following chapter gives a broad overview of the key features of European Neighbourhood Policy including its main objectives, main instruments, key actors and the decision-making process (section 2). It further seeks to highlight the different positions of the 'old' and 'new' member states on the most contentious aspects of the European Neighbourhood Policy (section 3). It focuses in particular on the member states' different preferences concerning the preferred ENP regions, the distribution of the ENPI funds between the Southern and Eastern ENP partners, the finalité of ENP, further visa facilitation and liberalisation for the Eastern ENP partners, member states' different approaches to conditionality in ENP as well as their different economic and political relations with the Eastern ENP partners and Russia.

This chapter aims to offer the necessary background information in order to better understand in what regard and how the CEECs will likely try to affect the substance of ENP. It further seeks to highlight on which material and ideational sources of impact the CEECs will likely to be able to draw in order to shape the ENP according to their preferences. This background chapter sets the scene for the analysis of the CEECs' impact on the ENP that is carried out in chapter 6.

2. The European Neighbourhood Policy

Although the European Neighbourhood Policy was launched in 2003, it now constitutes one of the 'core priorities of the Union's external action' (Council 2006c: 20). It can be regarded as a 'truly multi-pillar policy' encompassing various areas of the EU's cooperation with its neighbourhood ranging from common security threats such as organised crime and illegal migration over trade to the promotion of democracy and rule of law (Cremona 2008: 244; Commission 2003b: 9ff).

2.1 Main objectives of the European Neighbourhood Policy

The ENP pursues three overriding objectives, the promotion of security, stability and prosperity, with varying emphasis put on one or the other (Khasson et al. 2008: 227; Meloni 2006: 6; Cremona 2008: 257ff).

The overarching and most important objective of ENP is security. As Cremona and Hillion argue, 'the security dimension of ENP is not merely an incidental component, it is fundamental to the policy as a whole' (2006: 4). The concept itself has various dimensions in ENP. The Commission's Wider Europe Communication of March 2003 put the ENP initiative in the broader context of the security risks associated with the EU's geographical proximity to the neighbourhood region, including illegal migration, trafficking, eventual spillover effects of environmental or nuclear hazards, organised crime, terrorism, regional conflicts and failed states (Commission 2003b: 6). Security is closely intertwined with the promotion of stability and prosperity.

The second declared objective of ENP, the promotion of stability, is more clearly defined. It refers to both regional stability between the individual neighbouring countries and political and economic stability within the individual countries (Cremona 2008: 258; also Meloni 2006: 5). The internal and regional stability in the neighbouring countries depends not only their implementation of political, democratic, institutional and economic reforms but also on their adherence to common values such as good governance and the rule of law (see, for example, Commission 2004a: 3; Council 2004a: 11).

Prosperity is the only objective of ENP that is explicitly mentioned as an ENP objective in the Lisbon Treaty (Art. 8 (1) TEU). Already in its 2003 Communication, the Commission pointed to '[e]xisting differences in living standards' and GDP between EU member states and its neighbours that could be 'accentuated as a result of faster growth in the new Member States than in their external neighbours' (2003d: 4). However, increased prosperity in its neighbourhood also serves the interests of the EU. As Cremona argues, 'it increases stability and reduces the "push" factors behind illegal migration (2008: 259).

A rather hidden objective of ENP is to avoid further enlargement. As various EU statements particularly in the early stages of ENP suggest, ENP was launched with the aim to avoid further enlargement at least in the medium

term by offering the neighbours 'more than partnership and less than membership without precluding the latter' (Prodi 2002: 5). In December 2002, the former Commission President Prodi declared:

'Each enlargement brings us new neighbours. In the past many of these neighbours ended up becoming candidates for accession themselves. [...] But we cannot go on enlarging forever. [...] Accession is not the only game in town' (Prodi 2002: 3-4).

While early EU statements did not completely rule out a membership prospect for the EU's neighbours, the tone has changed not least with the failure of the Constitutional Treaty which entailed an internal crisis within the EU leading to evident 'enlargement fatigue' (Tocci 2006: 7; Smith 2005b: 758). In its Wider Europe Communication the Commission explicitly rules out a membership perspective for the ENP partners, at least in the 'medium-term' (Commission 2003b: 5). The Council initially took a similar stand by declaring that ENP 'should be seen as separate from the question of possible EU accession that is regulated by Article 49 of the Treaty on European Union' (Council 2003a: 1).

However the explicit exclusion of a membership prospect has turned out to have a discouraging effect on the neighbours. When realising the negative effect of this strategy, the Commission decided to resort to its 'constructive ambiguity' with regard to a future membership prospect for the ENP partners (Tocci 2006: 7). While underlining that 'ENP remains distinct from the process of EU enlargement', it notes nowadays that ENP does not prejudge 'how their [the neighbouring countries'] relationship with the EU may develop in the future, in accordance with Treaty provisions' (Commission 2006b: 2).⁴⁴

2.2 Key principles of the European Neighbourhood Policy

The three overriding principles guiding the European Neighbourhood Policy are 'joint ownership', 'differentiation' and 'conditionality' (see, for example Cremona 2008: 281ff; Vasilyan 2011: 183). The following section pays particular attention to 'differentiation' and 'conditionality' as the CEECs' impact attempts have mainly focused on these two principles.

Differentiation implies that the level, pace and intensity of cooperation and the relationship between the EU and the individual neighbouring country

⁴⁴ See, for similar statements by the Commission, the Commission's communication of 2006b: 13. For similar statements by the Council, see Council 2007a: 2 and Council 2008a: 1.

depends on the extent 'of the partner's commitment to common values', 'its capacity to implement jointly agreed priorities' as well as 'its efforts and concrete achievements in meeting these commitments' (Council 2004a: 11). Common values as defined by the Council include 'democracy, the rule of law, good governance and respects for human rights, and to the principles of market economy, free trade and sustainable development, as well as poverty reduction' (*ibid.*). Differentiation has several dimensions in ENP. On the one hand it allows for a greater flexibility in the EU's relations and cooperation with its neighbours by taking account of the different economic and political conditions in the neighbouring countries as well as their different ambitions with regard to their cooperation with the EU. On the other hand, it also includes elements of conditionality by referring to the neighbouring countries' progress in meeting the jointly agreed priorities and objectives (Cremona 2008: 286).

Closely linked to differentiation is conditionality. When the ENP was launched the Commission declared that 'the extension of the benefits [...] including increased financial assistance' as well as increased cooperation with its neighbouring countries will 'be conditional on meeting agreed targets for reform' (2003b: 16). In case of no progress, partner countries will not receive any new benefits (*ibid.*).

The ENP draws on various forms of conditionality. Both the Partnership and Cooperation Agreements (PCAs) as well as the Euro-Mediterranean Association Agreements which form the legal basis for the EU's cooperation with its neighbours include provisions on the suspension of cooperation if the respective partner country breaches 'essential elements' of the agreement such as the respect for democracy, principles of international law or human rights (Khasson et al. 2008: 231; Cremona 2008: 284). Moreover, the ENPI Regulation includes provisions enabling the EU to suspend financial assistance to a partner country if it violates the core rule of law and democratic principles which are set out in Article 1 (see, for example, European Parliament and Council 2006b: Art. 1).

However, the application of conditionality in ENP has been criticised for being incoherent and selective. The EU has never applied the human rights clauses under the ENP (Khasson et al. 2008: 232). Moreover, conditionality has been hardly used with regard to the programming of financial assistance under the ENPI for the period 2007 to 2014. Under the previous ENI regulation the

total amount of financial assistance allocated to a country was calculated for a period of seven years (Vasilyan 2011: 183; Thépaut 2011: 9). It was thus allocated '*unconditionally*' to the ENP partners based on the mere 'expectation that the reforms spelled out in the APs will be carried out' (Vasilyan 2011: 184).

2.3 Main instruments in ENP

In order to promote privileged relations with its Southern and Eastern neighbours, the EU has various legal, financial and soft law instruments at its disposal.

2.3.1 Legal instruments

Until the coming into force of the Lisbon Treaty in 2009, there was no explicit Treaty provision on the management of the EU's relations with its neighbours (Cremona 2008: 263; Ghazaryan 2012: 212; Van Elsuwege/Petrov 2011: 688). Article 8 (TEU) of the Lisbon Treaty envisages the conclusion of 'specific agreements' between the EU and its neighbouring countries. These new Association Agreements have started to replace the hitherto existing Partnership and Cooperation Agreements (PCAs) with the Eastern ENP countries⁴⁵ whereas the EU's cooperation with the Southern ENP countries is still based on the existing Euro-Mediterranean Association Agreements.

Following the EaP Declaration of May 2009, the EU has opened negotiations on a new type of association agreements (AAs) with Armenia, Azerbaijan, Georgia and Moldova in 2010. The AAs with Moldova, Georgia and Ukraine were signed in June 2014.

One core element of the AAs with the Eastern ENP countries forms the DCFTA. It is negotiated separately from the AA (Eastern Partnership Community 2012). The DCFTAs with Ukraine, Georgia and Moldova were signed in June 2014. The DCFTAs go beyond usual free trade agreements, envisaging the elimination of all trade barriers, quotas and tariffs concerning the trade in goods, services and investment (EEAS 2012: 3). Moreover, they commit the Eastern ENP countries to take over significant parts of the trade-

⁴⁵ The EU has no contractual relations with Belarus. The PCA with Belarus was formally signed in 1995 but has not been ratified due to the political situation in the country.

related EU acquis. In order to open negotiations on a DCFTA, the partner country has to be a member of the WTO.

Apart from the agreements outlined above, the EU has opened or concluded negotiations on Visa Facilitation and Readmission Agreements with some of the Eastern neighbours. Visa Facilitation and Readmission Agreements have already been signed with Ukraine, Moldova and Georgia. The respective negotiations with Armenia and Azerbaijan were opened in February and March 2012. The next step towards full visa liberalization form the so-called visa liberalisation dialogues. So far, the EU has started the dialogues on visa liberalisation with Ukraine and Georgia. The dialogue with Moldova was completed in November 2013. In March 2014 the Council approved visa liberalisation for Moldova.

2.3.2 Financial instruments

The EU's main instrument for providing financial assistance to its neighbouring countries and Russia is the European Neighbourhood and Partnership Instrument (ENPI).⁴⁶ The ENPI for the period 2007 to 2014 became operational in January 2007 and replaced the EU's previous assistance programmes MEDA for the Southern Mediterranean countries and TACIS for countries in Eastern Europe. It has a total budget of 11.181 billion EUR for the period 2007 to 2013. It will be replaced by the new ENI for the period 2014 to 2020 which has a total budget of 15.432 billion EUR (European Parliament and Council 2014a: Art. 17).

ENPI and ENI funds are allocated in the form of three different types of programmes, namely a) national programmes for each partner country; b) regional programmes including a separate programme for the EaP partners, a programme for the partners in the Southern Mediterranean region, and an interregional programme; and c) cross-border cooperation programmes.

In practice approximately two thirds of the ENPI funds are allocated to the Southern Mediterranean countries and one third to the countries in Eastern Europe (for the individual country and regional allocations see Appendix, Table 4). Based on a gentlemen's agreement which was formally confirmed in the

⁴⁶ Russia will not be eligible anymore for ENI funding under the new ENI regulation for the period 2014 to 2020.

ENP Mid-term review in 2006, it is unlikely that this ratio will change in the foreseeable future.

As a result of the consultations on the strategic review of the ENP in 2011 and against the background of the civil uprisings in many Southern Mediterranean countries the EU decided to provide additional assistance of one billion EUR under the ENPI for the period 2011 to 2013 (Commission 2011q). For the allocation of this additional assistance, two new assistance programmes have been set up, the SPRING programme ('Support for Partnership, Reforms, and Inclusive Growth') for the Southern Mediterranean partners and the EaPIC ('Eastern Partnership Integration and Cooperation Programme') for the countries in Eastern Europe.

The SPRING programme was launched in September 2011 and has a total budget of 350 million EUR. It is a multi-country umbrella programme which aims at supporting democratic reforms and institution-building in the Southern Mediterranean countries (Commission 2011c: 4). The EaPIC was modelled on the SPRING programme and set up in June 2012. It has a financial envelope of 130 million EUR.

2.3.3 Other policy instruments

The ENP draws on bilaterally agreed APs as its main instrument for promoting political, institutional and economic reforms in the neighbouring countries. Action Plans are 'political documents' which list a set of actions and reforms to be undertaken by the ENP partner country (Hillion 2008: 317). They are set up for each neighbouring country for a period of three to five years.

With the establishment of the Eastern Partnership in May 2009 and the launch of negotiations on the AAs with the Eastern ENP partners, the ENP Action Plans are successively replaced by Association Agendas. The first Association Agenda was adopted by the EU-Ukraine Cooperation Council in November 2009. Apart from Belarus, all Eastern ENP countries have concluded APs or Association Agendas with the EU.

2.4 The EaP as a regional dimension within the ENP

The Eastern Partnership (EaP) complements the EU's bilateral relations with the Eastern neighbours. It was launched at a summit in Prague in May 2009.

The EaP initiative goes back to a joint proposal by Poland and Sweden that was presented at a GAERC meeting in May 2008. The EaP covers six countries: Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine. Its main objective is to promote deeper and faster political association and economic integration between the EU and the Eastern partner countries by assisting these countries to implement political, institutional and economic reforms (Commission 2012f: 3). The EaP further aims at enhancing and facilitating the mobility of the citizens of these countries initially through the conclusion of visa facilitation and readmission agreements (*ibid.*). In the long run a lifting of visa requirements for the citizens of the EaP countries is envisaged. The third objective of the EaP focuses on the promotion of sector cooperation and aims at increasing the EaP partners' involvement in EU programmes. To achieve these objectives the EaP draws on two parallel approaches, a bilateral track and a multilateral track (Commission 2012f: 2).

The bilateral dimension of the EaP is aimed at fostering stronger bilateral relations between the EU and each EaP country on the basis of the AAs and DCFTAs. It is directed at assisting the partner countries to implement reforms in three main areas including good governance, the rule of law, and trade, investment and economic development (Commission 2012f: 4).

The multilateral track of the EaP comprises four thematic platforms and five flagship initiatives under which regional cooperation projects are implemented in various areas of cooperation.

The total financial assistance earmarked for the bilateral and multilateral cooperation under the EaP for the period 2010 to 2013 amounts to 1.9 billion EUR including the additional financial assistance of 350 million EUR made available with the launch of the EaP.⁴⁷

⁴⁷ Commission (2012) 'EU cooperation with eastern neighbours in the framework of the Eastern Partnership', <http://ec.europa.eu/europeaid/where/regional-cooperation/enpi-east/index_en.htm> [Access 18.10.2012].

2.5 The European Neighbourhood Policy: Main institutions and policy-making

ENP policy-making relies to a large extent on so-called 'soft law' instruments including Commission communications, papers and working documents, Action Plans as well as European Council and Council conclusions, joint statements and declarations (Cremona 2008: 263). The ENPI Regulation represents one of the few 'hard law' ENP instruments. Such a 'soft law' framework on which the ENP is based is characteristic for multi-pillar policies (Nervi Christensen 2011: 41).

The following section outlines the key actors in the ENP policy-making process and sets out the decision-making processes for the adoption of the most relevant ENP instruments. The key actors in the ENP policy-making process are the European Commission, the Council, the EP and, since 1 January 2011, the EEAS.

2.5.1 The European Commission

The European Commission plays an important role in the ENP policy-making process in several regards. First, it can propose new legislation in the area of the ENP either on its own initiative or on the initiative of the Council or the EP. Second, it significantly contributes to the formulation of the ENP through its communications, working documents and strategic papers (Maurer 2007: 10). Moreover, it is in charge of drafting the ENP Country Reports, Country Strategy Papers and Action Plans (Gänzle 2008: 10). Finally, it monitors and evaluates the ENP partner countries' progress in implementing the priorities laid down in the APs and is involved in the management and programming of the ENPI assistance.

Under the Lisbon Treaty, ENP falls formally under the mandate of the Union's High Representative for Foreign Affairs and Security who chairs the FAC and is also the Vice-President of the Commission. The Union's High Representative is supported in carrying out this task by several units within the EEAS dealing with ENP.

In parallel to the establishment of the EEAS, a new college of Commissioners was appointed in February 2010. Although the post of the former Commissioner for External Relations and Neighbourhood was formally

abolished and its tasks assigned to the portfolio of the High Representative, Commission President Barroso appointed Stefan Füle as the Commissioner for Enlargement *and* Neighbourhood Policy. In order to accomplish this task, he can draw on the Directorate F within DG DevCo-EuropeAid.

Joint communications by the High Representative and the Commission demonstrate that both, the Union's High Representative and the European Commission including Commissioner Füle are involved in the formulation of ENP (see, for example, Commission and EEAS 2011 a and 2011b).

2.5.2 The Council

All decisions concerning the ENP are taken by the Council. It is the 'ultimate decision-making body' in the ENP (Ghazaryan 2012: 202). In addition to legislative powers the Council has also an executive function (Nervi Christensen 2011: 37). It decides on core elements of the ENP including its guiding principles, instruments, objectives and progress in the EU's relations with its neighbours. All ENP documents drafted by the Commission or the EEAS need to be approved by the Council or by member states representatives in the ENPI committee (Gänzle 2008: 10).

Before the entry into force of the Lisbon Treaty in December 2009, ENP fell under the responsibility of the GAERC. With the Lisbon Treaty the FAC now deals with ENP. It meets once a month and brings together all 28 member state Ministers of Foreign Affairs. In addition, there are informal Council meetings and various multilateral summits dealing specifically with ENP such as the biannual EaP Summit.

The Council is assisted in its work by COREPER (Committee of Permanent Representatives). COREPER II which consists of ambassadors from member state Permanent Representations to the EU, is in charge of preparing the work and the agendas of the FAC. The COREPER meetings are chaired by a representative of the respective member state holding the Council Presidency. COREPER II discusses and examines the outcomes reached at the working group level and tries to solve all controversial items before they reach the Council meeting agenda.⁴⁸

⁴⁸ See EU 'Europa: Summaries of EU legislation – Glossary: Coreper', (n.y.), available at <http://europa.eu/legislation_summary/glossary/coreper_en.htm> [Access 12.10.2012].

The preparatory work for COREPER is carried out by various working groups (Nervi Christensen 2011: 49). With regard to the ENP, two working groups are of particular importance, the Working Group on Eastern Europe and Central Asia (the so-called COEST Working Group) and the Working Party on Mashrek and Maghreb (the so-called MAMA Working Party). COEST and MAMA deal with all aspects of the EU's cooperation with its neighbours and are involved in the formulation and implementation of ENP by drafting the ENP related parts of Council Conclusions, statements and other secondary legislation. They meet on a weekly basis, up to three times a week and are chaired by an official from the EEAS.

2.5.3 The European Parliament

The European Parliament plays a limited role in the ENP policy-making process. ENP constitutes an area where the European Parliament has co-decision power with the Council with regard to the adoption of the ENPI Regulation (Article 209, TFEU). All Association Agreements between the EU and a third country require the consent of the European Parliament (Article 218, Para. 6(a), TFEU). The EP also decides on the adoption of the EU budget and has the last say on the non-compulsory expenditures, which also comprise expenditures on the neighbourhood policy. Within the EP, a special committee, the Committee on Foreign Affairs (AFET), deals with general ENP-related issues. All ENPI-related aspects fall under the authority of the DEVE committee.

2.5.4 Rules and procedures guiding the ENP policy-making process within the Commission

Despite the Commission's important role in the formulation of the ENP, very few efforts have been devoted to an analysis of the internal decision-making process within the Commission and the way in which it adopts communications or legislative proposals. The internal decision-making process on the ENP within the Commission is important as officials from the Commission itself and the EEAS notice that each Commissioner within the College when adopting proposals 'has instructions from the capital' and College decisions indeed

reflect member states' positions and not the Commission's position (Interview-EU_51).⁴⁹

The Commission can adopt policy proposals (such as directives or regulations) and communications by four different procedures. ENP-related files are mostly adopted either by the oral procedure or the written procedure.⁵⁰ A proposal is adopted if any of the Commissioners expresses reservations about the proposal within a given deadline.

2.5.5 Rules and procedures guiding the ENP policy-making process within the Council

The Council is not only the ultimate decision-maker in ENP but it is also the EU institution 'most clearly representing the interests' of the member states (Nervi Christensen 2011: 37).

Generally ENP can be regarded as part of the EU's foreign and security policy (CFSP) where decisions require unanimity in the Council (Article 31, TEU). However, in practice, the FAC hardly votes on issues. Decisions are usually taken by consensus.

The adoption of Council conclusions

There is neither a specific formal legal basis nor a formalized procedure for the adoption of 'soft law' instruments including Council conclusions (Cremona 2008: 264-266; Nervi Christensen 2011: 41). They are adopted by consensus.

The adoption of ENP-related legislative acts

Legislative acts pertaining to ENP such as the ENPI regulation or Association Agreements are adopted by the ordinary legislative procedure according to which the Council and the EP have co-decision power as outlined in chapter 3. The voting weights are given in Table 3.2.

⁴⁹ Other interviewees have supported this view (Interviews-EU_60 and EU_42).

⁵⁰ See for examples of the first, Commission 2011n and Commission and EEAS 2011a. For examples of the latter see Commission and EEAS 2011b and 2012c. Detailed information on how each proposal was adopted can be retrieved from <<http://ec.europa.eu/prelex/apcnet.cfm?CL=en>> [Access10.10.2012].

The negotiations and conclusion of readmission and visa facilitation agreements

With the EU's Eastern enlargement in 2004 and the subsequent enlargement of the Schengen area in December 2007, EU readmission and visa facilitation agreements have become a key instrument in ENP (Yelisseyeu 2012: 2; Trauner/Kruse 2008: 2).

The decision-making process leading to the conclusion of readmission and visa facilitation agreements between the EU and a third country involves the European Commission, the Council and since the entry into force of the Lisbon in December 2009 also the European Parliament. Both kinds of agreements are usually negotiated as a 'package'. The Council needs to decide on the conclusion of such agreements by qualified majority upon prior consent of the EP.

The adoption of restrictive measures by the Council

In reaction to serious violations of human rights, international law or democratic principles in third countries, the EU can impose sanctions or restrictive measures on the respective country and its authorities, or particular non-state entities and individuals. Restrictive measures can vary in form and intensity, ranging from the suspension of cooperation, arms embargoes, boycotts of sport or cultural events to import or export bans, financial sanctions or visa and travel bans (2008a: 3).

The legal basis for the imposition of sanctions varies according to the form and extent of the different restrictive measures. With the Lisbon Treaty the imposition of restrictive measures by the EU requires a unanimous decision taken by Council (Article 25 and 31 TEU). If the restrictive measures as laid down in the Council decision involve a partial or complete interruption of economic and financial relations between the EU and the third country, they are implemented on the basis of Article 215 TFEU according to which the Council acts by qualified majority based on a prior joint proposal by the Union's High Representative and the Commission. If they involve a visa or travel ban, they are implemented on the basis of Council Implementing Decision, which requires a qualified majority of the Council in accordance with Article 31, Para. 2 TEU.

3. Overview of the differences in member states' approaches to the European Neighbourhood Policy

The following section gives an overview of the differences in member states' approaches to the ENP. By specifying the main cleavages between the EU-15 and the CEECs in ENP, it identifies those aspects of ENP that are of utmost importance to the CEECs and which they will likely try to influence according to their preferences. It should be noted here that the main dividing line in ENP does not strictly follow the division between 'old' and 'new' member states. It rather runs between some of the EU-15 countries, namely the Mediterranean EU member states, and seven CEECs (Slovenia excluded). As will become evident from the subsequent sections, member states' approaches to ENP are primarily driven by their geographical location and proximity to the individual ENP partners and the extent of their historical and political relations with them. Out of the EU-15, the Mediterranean EU member states including France, Spain, Portugal, Italy, Greece, Cyprus and Malta stand out as the strongest proponents of increased financial resources and a stronger political engagement of the EU with the Southern ENP partners (Lippert 2007b: 5).

These countries act in Council negotiations on ENP often as the so-called 'Club Med' members or 'Olive Group' (Roth 2011: 95f.). At the other end of the spectrum are those EU member states that can be called the 'Friends of the Eastern Partnership' including Poland, Czech Republic, Hungary, Slovakia, Estonia, Lithuania, Latvia and Sweden (Wojna 2009a: 8). They call for stronger political and economic relations between the EU and the Eastern ENP countries. Other 'old' EU member states including UK and Finland do not explicitly belong to any of these two groups and favour a more balanced approach to both neighbourhood regions (Lippert 2007b: 5).

However, it should be emphasised here that although the CEECs are united in their vision of a stronger integration of the Eastern ENP partners into the EU with their EU membership as a long-term objective they 'cannot be generalised' when analysing ENP (Kratochvil 2007: 195). They slightly differ in terms of their preferred Eastern ENP partners and the degree of importance they attach to ENP as the main policy framework for the relations with their neighbours (*ibid.*).

As will be shown in the following sections there are significant differences mainly between the Mediterranean EU member states on the one hand and the

new member states on the other with regard to their prioritised region in ENP, the distribution of ENPI funds, the finalité of ENP, their approaches to further visa facilitation and liberalisation for the Eastern ENP partners, their approaches to the use of conditionality in ENP as well as in their political and economic relations with the Eastern ENP countries and Russia.

An elaboration of these differences is important for several reasons. First, if the CEECs try to shape the content of ENP according to their preferences, their impact attempts will likely concern exactly those aspects of ENP in which they differ from the EU-15 countries. Thus, knowing these differences provides for an easier understanding of their impact attempts on ENP which will be outlined and analysed in chapter 6. Second, the analysis of member states' different approaches to ENP will also allow for some conclusions with regard to the likely sources of the CEECs' impact on ENP. Which of these sources have been indeed important for their impact on the substance of ENP will be analysed in chapter 6.

3.1 Member states' different preferences with regard to the prioritised region in the ENP

Although the EU constantly emphasises that ENP is a 'single' and 'balanced' policy framework⁵¹ for the EU's relations with its Eastern and Southern neighbours, the regional focus of the policy is highly contested and clearly reflects the different regional interests of the individual EU member states (Lippert 2007b: 4-5; Sadowski 2011: 8; Wojna 2011: 13). The main dividing line can be drawn between the Mediterranean EU member states on the one hand and the Central and Eastern EU member states on the other hand (Ananicz 2011: 1).

The number of a member state's diplomatic representations in a third country can give some indication about the importance it attaches to this third country. As can be seen from Table 5.1, the Mediterranean EU member states have significantly more diplomatic representations in the Southern ENP countries than in the Eastern neighbourhood while the EU-8 countries are represented much more in the Eastern ENP partners than in the Southern neighbourhood region. These differences turn out to be even more significant

⁵¹ See, for example, Council 2007a: 2.

when taking into account that there are ten Mediterranean ENP partners and only six Eastern ENP partners.

Table 5.1: Number of member states' diplomatic representations (embassies, consulates and liaison offices) in Eastern and Southern ENP countries compared

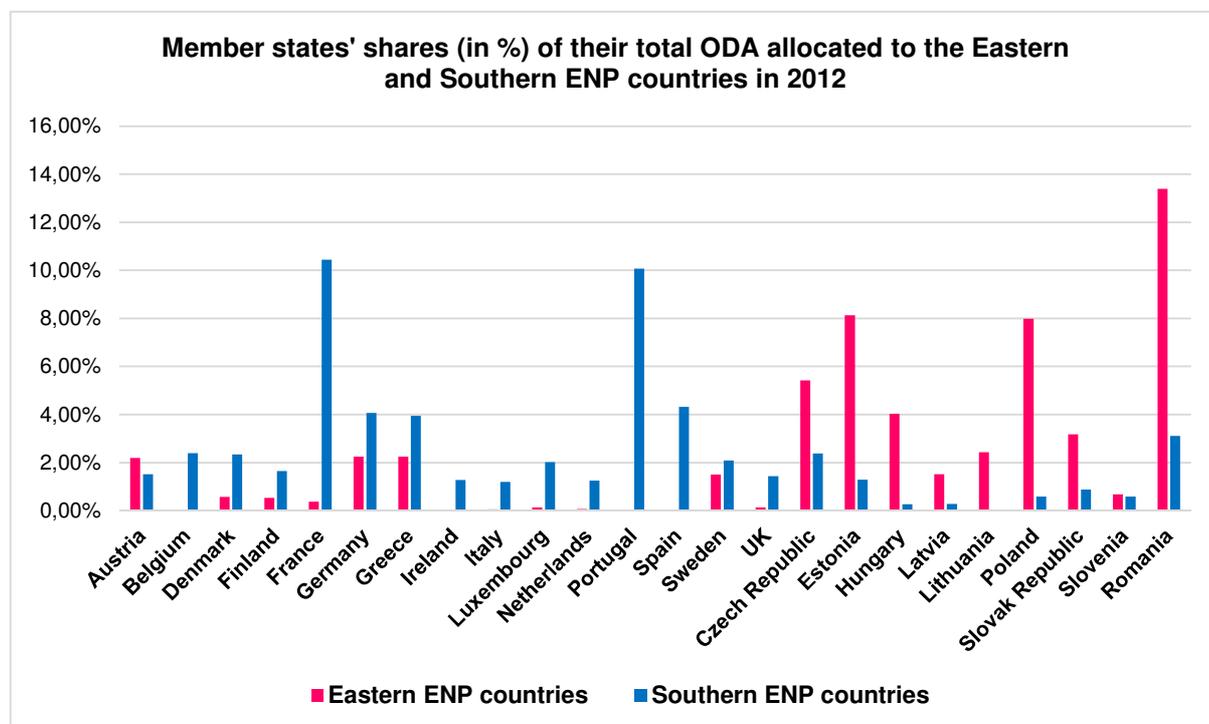
EU member state	ENP East	ENP South
EU-15		
Austria	2	9
Belgium	1	11
Denmark	1	4
Finland	1	5
France	6	18
Germany	6	10
Greece	6	11
Ireland	0	3
Italy	6	12
Luxembourg	0	0
Netherlands	2	9
Portugal	1	6
Spain	1	17
Sweden	2	7
UK	6	13
Average per EU-15 member state	2.73	9.00
EU-8		
Czech Republic	7	9
Estonia	3	2
Hungary	6	9
Latvia	5	2
Lithuania	7	2
Poland	14	9
Slovak Republic	3	3
Slovenia	1	2
Average per EU-8 member state	5.75	4.75
Other EU member states		
Bulgaria	7	9
Cyprus	5	6
Malta	-	4
Romania	8	8

Source: Own calculations based on the information included in the visa statistics of 2011 provided by the European Commission under <http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/visa-policy/index_en.htm> [Access 12.12.2012].

The differences between these two groups of member states with regard to the preferred ENP partners become even more evident when analysing the share of the development assistance they allocate to each of these regions. As can be seen from Figure 5.1, the Mediterranean EU member states allocate big shares of their development assistance to the Southern ENP partners and only minor shares to the Eastern neighbourhood region. The NMS allocate the lion's share

of their development aid to the Eastern ENP partners while neglecting the EU's Southern neighbourhood countries.

Figure 5.1: Member states' shares (in %) of their total ODA allocated to the Eastern and Southern ENP countries in 2012



Sources: Own calculations based on ODA data (USD millions, constant prices 2012) retrieved from OECD QWIDS <<http://stats.oecd.org/qwids/>> [Access 29.07.2014]. No data available for Bulgaria, Croatia, Cyprus and Malta. For Lithuania no data was available on ODA to the Southern ENP countries. For Latvia the share of its ODA to the Southern ENP countries only includes its assistance to Syria as no other data was available.

The Mediterranean EU member states have a strong preference for the Southern ENP partners in ENP and try to ensure that they remain in the focus of the EU's political interest and receive adequate financial assistance from the EU. The strong support of the 'Club Med' EU members for an enhanced involvement of the EU in the Southern neighbourhood resulted not only in the launch of the Barcelona Process in 1995 but was also evident when the ENP was set up in 2004. The then president of France, Jacques Chirac, declared shortly after the launch of ENP in 2005 that 'The Mediterranean must remain a strategic priority for Europe' (Chirac quoted in Lippert 2007b: 5). The rivalry between the Mediterranean EU member states and the CEECs over the prioritised region in ENP intensified with Poland's efforts to initiate the Eastern Partnership. While the recent developments in the North Africa have directed

the EU's attention to the Southern ENP partners, the Polish Minister for European Affairs has pointed to the EU's 'equally important duties in the East' (Dowgielewicz quoted in Ananicz 2011: 4). Dowgielewicz has emphasised that although these duties 'are different than in the South, they are *equally vital*' (*ibid.*, emphasis added).

The CEECs favour a stronger political engagement of the EU with the Eastern neighbourhood countries and advocate a balance between the Southern and Eastern ENP dimensions (Lippert 2007b: 5). As stated by representatives of Poland, the Czech Republic, Slovakia and Hungary, the EaP 'has a specific importance for the Visegrád countries' due to the geographical proximity and their historical relations with the Eastern ENP partners (V4 2010: 1). The CEECs' activities concentrate in particular on ensuring 'appropriate attention to and engagement of EU member states' to the EaP in the hope that the 'EU will accomplish the necessary balance between both – the Eastern and the Southern – dimensions of the European Neighbourhood Policy' (*ibid.* and V4 2008: 2). The CEECs are supported in their efforts to promote the Eastern dimension of ENP by some 'old' EU member states including Sweden and Germany (Lippert 2007b: 5; also Wojna 2009a: 8).

The rivalry between the Mediterranean EU member states and the CEECs also concerns the division of financial resources between the Eastern and the Southern neighbourhood under the ENPI (Sadowski 2011: 9). The distribution of the financial assistance to the two ENP regions constitutes the nub of the dispute between the Mediterranean and new EU member states in ENP (Wojna 2011: 13). While the CEECs emphasise the importance of 'adequate' financial resources for the Eastern neighbourhood countries, the Mediterranean EU member states call for increased funds for the Southern ENP partners (V4/DE 2011: 3).

The background to this dispute was the informal agreement of the EU member states on the hitherto effective distribution principle according to which two thirds of the financial resources under ENPI are earmarked for the Southern neighbours and one third for the Eastern neighbours (Sadowski 2011: 8). In parallel to the adoption of the ENPI regulation for the period 2007 to 2013, in 2006 EU member states formally confirmed the validity of this distribution principle. However, the dispute re-ignited with the launch of the EaP in 2009 and the Commission's proposal to provide additional funding for the EaP

amounting to 600 million EUR of which 350 million EUR is new funds. Although the Commission's proposal met with particular opposition from the Mediterranean EU member states it was finally approved by all member states.

In terms of the EU-8's impact on the ENP it can therefore be expected that they will try to ensure that the EU dedicates more or at least as much political attention to the Eastern ENP partners as to the Southern neighbourhood countries. Against this background it is likely that the EU-8 will advocate the inclusion of an explicit reference to the Eastern ENP partners and the EaP in all ENP-related documents. Moreover, it can be assumed that the EU-8 will try to induce a greater involvement of the EU in the Eastern ENP region and ensure that the Eastern ENP partners receive adequate financial assistance under the ENPI. In this regard it is also likely that the CEECs will try to accelerate the negotiations and conclusion of the association agreements with the Eastern ENP partners.

3.2 Member states' splits over the finalité of ENP: An alternative or stepping stone to enlargement?

The most significant cleavage between the 'old' and new EU member states concerns the question as to whether the ENP is an alternative to EU membership or represents only a preparatory stage for the Eastern ENP partners on their way towards full EU membership (Lippert 2007b: 7). While most 'old' EU member states strongly object to any kind of accession perspective for the Eastern ENP partners, the CEECs regard ENP as a framework for preparing some of the Eastern ENP for their accession to the EU in the long term (see Appendix, Table 5).

The strongest opponents of a further EU enlargement and any kind of membership perspective for some of the Eastern ENP partners include France, Germany, Italy, Spain, Netherlands, Malta, Belgium and Luxembourg (Confidential-OMS_11: 3). The 'opponents' of an accession perspective for the Eastern ENP countries argue that ENP is 'distinct' from the EU's enlargement policy and should not be regarded as a pre-accession strategy.⁵² Although the CEECs do not openly claim an accession perspective for some of the Eastern

⁵² See, for example, on these arguments presented by Belgium, Kolatek 2009: 17; by Italy, Kreczmanska 2009: 34; by Spain, Wojna 2009b: 51; by France, Szeptycki 2009: 27; on Germany (Confidential-OMS_13). On the position of the other EU-15 countries, see Commission (Confidential-EU_10: 1ff.).

ENP partners, they argue that it should be regarded as 'legitimate' and therefore cannot be excluded (V4 non-paper 2007 quoted in Dangerfield 2009: 9). In 2011 the Polish Minister of Foreign Affairs Radoslaw Sikorski and his Swedish colleague Carl Bildt pointed to the existing differences between the Eastern and Southern ENP partners, arguing that the former are 'European' neighbours who 'enjoy special status in accordance with the Treaties' while the latter 'will remain neighbours of Europe' (Confidential-MS_12: 1).

The strongest proponents of an accession perspective for some of the Eastern ENP partners include Poland and Lithuania. They receive support for their view from some old member states including Sweden, Finland and UK (Confidential-OMS_11: 3).

In terms of their impact on ENP, it can be assumed that the CEECs will try to promote a more ambitious and promising wording in EU documents with regard to the European aspirations and the membership perspective of some Eastern ENP partners including possibly a reference to Article 49 TEU, the accession article.

3.3 Member states' different approaches to the question of visa facilitation and liberalisation for the Eastern ENP partners

Promoting the mobility of citizens of the Eastern ENP partners with full visa liberalisation as a long-term objective are core aspects of the EaP.⁵³ However, a detailed review of the wording on a possible full visa liberalisation for the Eastern ENP partners as used for example in the EaP Summit Declarations of 2009 and 2011 reveals significant differences among EU member states with regard to the conditions to be met by the Eastern partner countries and the timing of full visa liberalisation. While all EU member states agree on the necessity of concluding visa facilitation and readmission agreement between the EU and the Eastern partners as a first step for enhancing the mobility of the citizens of these countries, the vague wording on the procedure towards full visa liberalisation shows that EU member states disagree as to when and under which conditions it should be offered to the Eastern partners.

Following the EaP Summit Declaration of 2009, the EU will 'take gradual steps towards full visa liberalisation *as a long term goal* for individual partner

⁵³ See, for example, Council 2009c: 7, Council 2011e: 4 and Non-paper II 2011: 4.

countries on a case-by-case basis provided that conditions for well-managed and secure mobility are in place' (Council 2009c: 7, emphasis added). The CEECs are supporters, largely⁵⁴ of a timely and firm commitment by the EU to full visa liberalisation for the Eastern ENP partners arguing that 'the ongoing visa liberalisation process supports democratisation and people-to-people contacts' and therefore should 'not be held hostage of the lack of efforts by the authorities or their unsatisfactory results' (V4/B3 2012: 2). However, other 'old' EU member states such as France, Italy, Spain, Netherlands, Austria or Belgium have a rather cautious approach towards full visa liberalisation for the Eastern partners (*ibid.*).⁵⁵ They generally fear that a progressive visa facilitation or full visa liberalisation for the Eastern partners could result in uncontrolled migration flows to their countries and induce the Southern ENP partners to ask for similar concessions (Znojek 2009: 35).

Indeed France initiated the debate leading to the Council's decision to increase the Schengen visa fee from 35 to 60 EUR. As Dura argues, this decision took account of the domestic concerns of some old EU member states over the 'massive influx of labour migrants' from the Eastern ENP countries (2008: 33). Moreover, there is usually a difference in the positions of the Ministries of Foreign Affairs of the 'old' member states and their Ministries of the Interior on full visa liberalisation for the Eastern ENP partners. As Jaroszewicz argues, most Ministries of the Interior of the 'old' member states such as Germany, Belgium, Netherlands or Austria reject full visa liberalisation due to their fear of increased migration flows from the Northern Caucasus (2012: 31); in comparison, the positions of their Ministries of Foreign Affairs are more relaxed.

The supportive position of the CEECs on a timely and firm commitment by the EU to visa facilitation and the final lifting of visa requirements has to be seen against the background of their visa issuing practices towards their Eastern neighbours before and after their accession to the Schengen area. Before their accession to the EU, there were no visa requirements for the

⁵⁴ It should be noted here that there are also minor differences among the CEECs with regard to the timing and the conditions to be met by the Eastern ENP partners for full visa liberalisation. The Czech Republic, for example, introduced visa requirements for the citizens of its Eastern neighbours already in 2000, thus four years before its accession to the EU (Kratochvil/Tulmets 2007: 1). Compared to the other CEECs it favours a rather cautious approach to a further visa facilitation and liberalisation for the ENP partners (Confidential-EU_10: 3).

⁵⁵ See, on the member states' individual positions on visa facilitation and liberalisation, also Lippert 2007b: 17 and a report by Wojna and Gniazdowski 2009.

citizens of most Eastern ENP partners travelling to the CEECs. Maintaining an open border towards the Eastern neighbours was considered to be a substantial aspect of 'good neighbourly relations' between the CEECs and the Eastern ENP countries (Dura 2008: 32). With their accession to the EU, the CEECs had also committed themselves to adopt the provisions of the Schengen Agreement. As a consequence they had to introduce visa requirements for the citizens of the Eastern ENP countries and tighten their border controls but were initially not obliged to fully implement the provisions of the Schengen Treaty.

Within the framework of a transition period until 21 December 2007 the CEECs had the possibility of waiving or reducing the visa processing fees for the citizens of the Eastern ENP partners to 5 or 15 EUR (Trautner/Kruse 2008: 16). Moreover, they could issue visas to the citizens of these countries on the basis of more liberal criteria and fewer documents resulting in shorter waiting times and lower visa rejection rates (*ibid.*). With their effective membership of the Schengen area since 21 December 2007, the CEECs have been obliged to fully adhere to the provisions of the Schengen Treaty including its strict entry and issuing rules and higher visa processing fees. This has had severe repercussions for the CEECs' visa issuing practices in the Eastern ENP countries as well as their relations with these countries for several reasons. First, the Eastern ENP partners account for the largest shares of the total visa applications received by the CEECs as compared to the 'old' member states (see Appendix, Table 6). As a consequence, a tightening of the visa issuing rules by the CEECs is likely to disproportionately hit the Eastern ENP countries. Second, several of the CEECs have sizeable minorities in the Eastern ENP countries including Polish minorities in Belarus and Hungarian minorities in Ukraine. A tightening of the visa issuing rules thus has also negative implications for the political relations between the CEECs and the Eastern ENP countries. Third, as a consequence of the stricter visa issuing practices the share of visa applications by citizens of the Eastern ENP countries has significantly decreased in some CEECs' after they have become members of the Schengen area (see Appendix, Table 6). In parallel, the number of visa rejections towards citizens of the Eastern ENP countries has significantly increased in the CEECs as soon as they became members of the Schengen area (see Appendix, Table 7).

Moreover, the CEECs have had to raise the prices for the processing of visa applications from the Eastern ENP countries to 60 EUR for citizens of Armenia, Azerbaijan and Belarus and to 35 EUR for citizens of Georgia, Moldova and Ukraine (Yeliseu 2012: 13).

To counter the negative effects of the Schengen enlargement, EU member states can draw on various EU instruments including EU visa facilitation agreements and the EU visa code. Both enable EU member states to reduce or waive the visa processing fees for certain categories of citizens from the Eastern ENP countries (Yeliseu 2012: 4). Indeed EU visa facilitation agreements aim at reducing the processing time for visas and facilitating the application procedure by requesting fewer documents (Trauner/Kruse 2008: 17).

Against this background, it can be assumed that the EU-8 will try to promote a timely and smooth conclusion of visa facilitation and readmission agreements between the EU and the Eastern ENP partners. Moreover, it can be expected that they will ask the EU for concrete commitments with regard to the timing and conditions for full visa liberalisation for the Eastern ENP partners. These could be made in the form of a reference to a concrete timing for full visa liberalisation or the opening and progressive continuation of visa liberalisation dialogues with the Eastern ENP countries.

3.4 Member states' different approaches to the use of conditionality and the differentiation principle in ENP

The use of conditionality in ENP has been subject to fierce debates among EU member states. Political conditionality implies 'the linking by a state or international organization of perceived benefits to another state (such as aid, trade concessions, cooperation agreements, political contacts, or international membership), to the fulfilment of conditions relating to the protection of human rights and the advancement of democratic principles' (Smith 1997: 4). Two different forms of conditionality can be distinguished: positive conditionality and negative conditionality. Positive conditionality includes a promise of benefits to a country if it meets stipulated conditions or implements certain political reforms related to the promotion of democracy and human rights. Negative conditionality entails a suspension or cut in the benefits if the country fails to meet the stipulated conditions or certain criteria such as the respect for human

rights or democratic standards (Smith 1997: 4; Balfour 2012: 15f.; Thépaut 2011: 4).

EU member states are deeply divided over two aspects related to the use of conditionality in ENP: first, the extent to which conditionality should be used in ENP and whether it should be applied in a strict form; and second the form of conditionality to be used in ENP, just positive conditionality or also negative conditionality. Several factors account for the member states' different approaches to conditionality including their geographical preferences, the 'sensitivities of former colonial powers' such as France and Spain and the 'sensitivities of the formerly colonised or occupied' such as the CEECs which have the experience of political transition from communism to democracy (Mold 2007: 242). Southern EU member states hesitate to demand stronger democratic reforms from their neighbours in North Africa due to their geographical proximity to these countries and the fear that such reforms could lead to instability. Northern EU member states such as Sweden, the UK and Germany, in contrast, are usually advocates of a stricter approach to the respect for human rights and democratic standards due to ethical considerations and/or in order to increase the value of taxpayers' money. The CEECs usually have a strong tradition of emphasising human rights in their foreign policies, not only due to their still quite recent transition experience but also due to their experience with conditionality in the run-up to their EU accession (Interview-OMS_76). Some of these countries' leaders such as the former Czech Minister of Foreign Affairs Karel Schwarzenberg, or former Polish President Lech Walesa were the founding members of the International Helsinki Federation for Human Rights.

These differences do not remain without consequences for member states' approaches to conditionality in ENP. On the basis of responses by member states to the Commission's public consultation on the future form of EU budget support to third countries in the period from October 2010 to January 2011 it is possible to identify two major cleavages in member states' approaches to conditionality. EU member states differ significantly in their views on the preferred criteria on which the allocation of assistance should be based (needs- versus performance based assistance) and the preferred form of conditionality, positive and/or negative. The main cleavage on both aspects of ENP conditionality runs between the Mediterranean EU member states

including France, Spain, Italy, Portugal, Greece, Cyprus, Malta on the one hand and the EU-8 countries together with the Nordic EU member states and Germany on the other hand. While the Mediterranean EU member states give priority to the security-related aspects of the EU's cooperation with the Southern ENP partners including regional stability, combating terrorism and illegal migration, the CEECs together with the Nordic EU member states and Germany attach great importance to the promotion of democratic, political, economic and institutional reform processes in the ENP partner countries (Sadowski 2011: 8).

As a consequence, the 'Club Med' countries usually advocate the use of as little conditionality as possible in ENP. The Nordic EU member states together with the CEECs and Germany are usually at the other end of the spectrum and support a strict use of conditionality in ENP. Within the framework of the consultation procedure, the Dutch government stressed that recipients of budget support 'should be subject to a supplementary, more stringent assessment of performance in terms of good governance, human rights and fighting corruption' (Dutch Government 2011a: 2). The Estonian Government emphasised that it regarded good governance as a 'crucial component for development' and assistance should be given only to those countries 'with a good track record on public finance management and human rights' (Confidential-NMS_9: 1f.). In contrast, the French government believed that EU financial assistance including budget support 'should not be used as an instrument for promoting values and political objectives' (French Government 2011a: 2 [own translation]). The Italian government argued that EU financial assistance should not be overcharged with 'an excessive political emphasis, thus creating new conditionalities' (Italian Government 2011: 1).

The differences in the member states' approaches to the use of conditionality in ENP are also reflected in their individual positions with regard to the criteria on which assistance under ENI should be allocated, that is on the principle of differentiation. In ENP two dimensions of differentiation can be distinguished, according to the individual countries and according to the two regions (Eastern neighbourhood versus Southern neighbourhood). Differentiation is of particular importance to the CEECs. First, the country-by-country differentiation enables the EU to reward those ENP countries that have higher ambitions and make substantial progress in implementing agreed reforms. Second, if implemented in a strict way, differentiation according to the

regions would lead to a *de facto* split-up of ENP into two separate policies, one for the Eastern neighbourhood and one for the Southern neighbourhood. Such a division would reflect the preferences of most CEECs with regard to the general framework of the ENP.

On the basis of member states' responses within the framework of the Commission's consultation with member states on the strategic review of ENP which started in July 2010, several differences can be identified. Those EU member states which are in favour of a strict application of conditionality also advocate the strict implementation of the differentiation principle according to countries and regions. This group includes amongst others Sweden, UK, Poland, the Czech Republic, Lithuania, Finland, Estonia and Denmark. The Polish Minister of Foreign Affairs Sikorski and his Swedish counterpart Bildt, for example, argued in their letter to the High Representative that 'In order to facilitate the further evolution of EU policies in the neighbourhood, we should take into consideration dividing the ENPI into two separate financial instruments, one for the East and one for the South' (Confidential-MS_12: 4). In contrast, those EU member states which advocate as little conditionality as possible in ENP are also in favour of limited differentiation underling that ENP should remain 'one policy'. This group involves France, Spain, Italy, Greece, Malta and Portugal. Other EU member states support a stricter implementation of the differentiation principle but only according to the countries not to the regions. This camp includes amongst others the Netherlands and Luxembourg (Confidential-EU_10).

In terms of the CEECs' impact on the ENP, the CEECs can be expected to call for a greater share of performance-based assistance in the new ENI Regulation. Moreover, it is likely that the EU-8 will try to influence the priority order of the criteria on which the allocation of the financial assistance under the new ENI regulation should be based, favouring political, economic and social reforms as the first and most important criterion. In addition, it can be expected that several of the CEECs such as Poland, the Czech Republic, Latvia and Slovakia will also support the inclusion of provisions on the use of negative conditionality. Finally, it can be assumed that the CEECs will push for a stricter implementation of the differentiation principle in ENP and the new ENI regulation, not only according to the individual ENP countries but also according to the two regions, Eastern neighbourhood versus Southern neighbourhood.

3.5 Member states' different approaches to trade with the Eastern Neighbours

A comparison of EU member states' trade with the six Eastern ENP countries shows that the EU-8 countries have a significantly higher share of trade with the Eastern neighbourhood countries than the EU-15 countries (see, also Dabrowski 2011: 188; Dura 2008: 35). Before the EU's Eastern enlargement the six Eastern ENP countries were of limited economic importance for the EU. Since the EU's enlargement in 2004 trade the EU-15's as well as the NMS' trade with the Eastern ENP partners has continuously increased (see Appendix, Table 8).

The share of trade with the Eastern neighbours differs from member state to member state. One factor accounting for the different shares of member states' trade with the Eastern ENP partners is geographical proximity. Other factors include historical and political relations with the Eastern ENP countries as well as ethnic and cultural similarities (Dabrowski 2011: 186; Bruge/Bukoviskis 2009: 131).

From the EU-15 group, Greece, Finland, Austria and Germany have the highest shares of exports to the six Eastern ENP partners. Italy, Greece, Portugal and France have the highest percentages of imports from the six Eastern neighbours in the EU-15 group. However, compared to the EU-15's trade with other countries, the Eastern ENP countries can be considered to be 'insignificant trade partners' for the EU-15 (Raik/Gromadzki 2006: 9).

From the EU-8 group, the Baltic States and Poland have the highest shares of trade with the Eastern ENP partners. Their most important trading partners in the Eastern neighbourhood include Ukraine and Belarus from which they mainly import energy resources and raw materials such as minerals and metal and to which they export machinery (Bruge/Bukoviskis 2009: 99). One reason for the relatively high share of trade between the EU-8 and the Eastern neighbourhood countries is their common political and economic past as former members of the USSR as well as their geographical proximity. In addition, the NMS and the Eastern neighbourhood countries have ethnic and cultural commonalities. For many consumers in the Eastern ENP countries, products from the EU-8 countries are well-known, competitive 'and have a positive image' (Bruge/Bukoviskis 2009: 131). Countries such as Ukraine represent a big market for products from the EU-8.

To enhance relations with the Eastern ENP countries, the EU suggested the establishment of a deep and comprehensive free trade area (DCFTA) with each of them as outlined in section 2.3.1.

From an economic point of view, the DCFTAs are expected to reduce significant trade barriers between the EU and its Eastern neighbours and contribute to more economic wealth through increased economic integration (see, for example, Manoli 2013: 59; Maliszewska/Orlova/Taran 2011: 45). However, most Eastern ENP countries benefit from the GSP and as a consequence already export goods to the EU on a duty-free basis (Dreyer 2012: 28). Thus, the DCFTAs 'will not be of much gain for eastern partners in terms of tariff reductions' but rather in terms of their ability to attract foreign investment (Manoli 2013: 60ff.).

Possibly more important than the expected economic benefits are the political implications of the DCFTAs. For all Eastern ENP countries the EU represents the most important trading partner much to the displeasure of Russia which still regards the Eastern neighbourhood as its 'sphere of influence' (Nitoiu 2014: 235; Gower/Timmins 2011: 1; De Bardeleben 2008: 5).⁵⁶

In terms of the CEECs' impact on the Eastern dimension of ENP it can be expected that the EU-8 will advocate a speedy conclusion of DCFTAs with Eastern ENP countries. As outlined above, the DCFTAs are regarded as a basis not only for increased economic but also political integration of the Eastern ENP countries with the EU. In order to speed up the DCFTA negotiations, the NMS will likely push for a commitment at the EU level to concrete deadlines for the next steps in the DCFTA negotiation process.

3.6 Member states' different relations with Russia

Since the Eastern enlargement in 2004 Ukraine, Belarus, Moldova, Georgia, Azerbaijan and Armenia represent the shared neighbourhood of the EU and Russia (Nitoiu 2014: 235; also Gower/Timmins 2011: 1; De Bardeleben 2008: 5). For this reason, in many cases member states' relations with Russia determine, or can determine, their position and approach to ENP. While many,

⁵⁶ In response to the EU's DCFTAs, Russia proposed the establishment of the Eurasian Economic Union which is supposed to represent an alternative to the DCFTAs. In order to become a true alternative, the Eurasian Economic Union needs Ukraine as a member and one of the biggest Eastern ENP countries.

in particular big EU-15 countries, have embarked upon a 'Russia first' approach in the Eastern neighbourhood policy refraining from any ENP initiatives that could irritate Russia, the NMS use the EU's neighbourhood policy towards Eastern Europe as an 'indirect' policy towards Russia (Raik/Gromadzki 2006: 23). Member states' different approaches to Russia and as a consequence to the ENP not only depend on the economic importance of Russia for their trade relations but also on their political and historical relations with Moscow as well as their geographical location. EU member states can be broadly divided into two different groups, the 'friends of Russia' group comprising the majority of 'old' EU member states but also countries such as Cyprus, and the 'Russia foes' group including mainly the Baltic States, Poland, the UK and to a varying extent also the Czech Republic.

Several of the large EU-15 countries such as Germany, France, Italy and Spain regard Russia as a 'strategic' partner either for economic and/or political reasons and are keen to preserve this 'special relationship' (Dura 2008: 10; Leonard/Popescu 2007: 2). These member states prefer to conduct their relations with Moscow at the bilateral level. As argued by Smith, they 'consider Russia to be too important a global player to let the EU lead in relations with it' (2011: 318).

For Germany, Russia represents a very important trading partner. Its exports to Russia amounted in the period from January to September 2013 to 27.4 bn EUR accounting for 30% of the EU's whole exports to Russia (Eurostat 2014: 1). These important economic relations are further underpinned by close personal contacts between the former German Chancellor Schröder and Russia's president Putin. Germany's 'Russia first' approach towards the Eastern neighbourhood has gradually began to change under Chancellor Merkel who promotes more balanced relations with Moscow and the Eastern ENP partners.

Russia represents also an important trading partner for Italy with export volumes of 8 bn EUR in the period from January to September 2013 (Eurostat 2014: 1). This strong economic partnership has been reinforced by the close personal friendship between the former Italian Prime Minister Silvio Berlusconi and Russia's president Putin. France's economic relations with Russia are less strong than Germany's or Italy's mainly focusing on military equipment. Its trade turnover with Russia amounted to 13.892 bn EUR in the period January to September 2013 (*ibid.*). However, both countries maintain strong political

relations. The economic importance of Russia is not only limited to large EU-15 countries but also applies to smaller ones such as the Netherlands, Finland, Belgium or Austria.

Other EU member states such as Greece and Cyprus promote the 'Russian first' approach mainly due to the political support they receive from Moscow. Greece has benefitted from Russia's support in its policy towards Turkey and imports a large share of its military equipment from Russia. For this reason, it opposes 'every possible EU step in the eastern neighbourhood that might even theoretically upset the Russians' (senior official quoted in Leonard/Popescu 2007: 28). Cyprus promotes the 'Russia first' approach due to the political support and protection it gets from Russia mainly in the United Nations (*ibid.*: 29). In addition, Cyprus benefits from the large amount of capital deposited by many wealthy Russians in the banks of the island.

There are several examples demonstrating how the 'Russia first' approach has influenced member states' position on important ENP questions. Greece, for example, vetoed the proposal tabled by the EU Special Representative for the South Caucasus in spring 2007 to appoint two border liaison officers within the framework of the EU's engagement in South Ossetia and Abkhazia (Leonard/Popescu 2007: 28; Kaloudis 2009: 239). Cyprus and Greece together with Italy, Germany, France, Portugal, Finland and Slovakia also prevented the EU from launching a peace support mission to Moldova at the beginning of 2006 (Leonard/Popescu 2007: 36).

To sum up, the advocates of the 'Russia first' approach make their position on ENP decisions towards the Eastern neighbourhood dependent on possible implications for Russia. Their preference for bilateral relations with Moscow undermines any EU attempt to develop a common coherent policy towards Russia and as a consequence to the Eastern neighbourhood.

The NMS are strong opponents of the 'Russia first' approach. As argued by the Polish Minister of Foreign Affairs Radoslaw Sikorski, 'the [EU] relationship with Russia must not be developed at the expense of other partners. Moscow should not be fast-tracked at the expense of Ukraine and Moldova' (2010). In contrast to many EU-15 countries, the NMS advocate a strategy of 'soft containment' towards Russia (Leonard/Popescu 2007: 60).

While Russia also represents an important trading partner for most EU-8 countries with trade turnovers comparable to some EU-15 countries, in

particular Poland and the Baltic States have strained political relations with Moscow. The NMS' different approach to Russia can be regarded as a result of their geographical location as well as their historical experience with Moscow. While they do not form a homogeneous group in this regard, the Baltic States and Poland regard Russia first and foremost as a threat to their security motivated by neo-imperial aspirations and aggressive intentions (Raik/Gromadzki 2006: 25). As the Eastern neighbourhood serves as an important buffer zone between their external borders and Russia, the EU-8 considers the EU's neighbourhood policy as 'the most powerful tool for blunting Russia's influence' in the region and as an expression of solidarity with the former Soviet republics (Leonard/Popescu 2007: 60).

However, there are some nuances in the EU-8's relations with Russia. In particular Slovakia, Hungary and Slovenia have a more pragmatic or even friendly approach to Russia in certain cases. Slovakia, for example, was among the opponents of the EU peace support mission to Moldova in February 2006 and blamed Georgia for provoking the Russian-Georgian war in 2008.

In terms of the EU-8's impact on the EU's policy towards the Eastern neighbourhood it can be expected that the NMS will support all initiatives and proposals to strengthen the EU's relations with the Eastern ENP partners and contribute to these countries' increased economic and political integration into the EU. The NMS will likely try to speed up the negotiations on the new Association Agreements and the DCFTAs with the Eastern ENP countries by pushing for a commitment to concrete deadlines for the next stage of the negotiations. Moreover, the EU-8 can be expected to urge the EU to set more financial, economic and political incentives for the Eastern ENP countries in the form of increased financial assistance or a membership perspective in order to make the EU more attractive than Russia for the Eastern ENP countries. Finally, the EU-8 will likely try to undermine the 'Russia first' approach pursued by several EU-15 countries by insisting on the principle of regional coherence based on equal status of Russia and the Eastern ENP countries in the EU's engagement with the region.

4. Conclusions

The chapter has demonstrated that EU member states significantly differ in their approaches to the big questions in the ENP such as its finalité, the balance between the Southern and the Eastern neighbours, further visa liberalisation for the Eastern ENP countries, the application of conditionality as well as in their political and economic relations with the Eastern ENP partners and Russia. These differences have implications for the CEECs' potential sources of impact on ENP.

Due to the likely opposition of many big EU-15 countries to a membership perspective and swift visa liberalisation for the Eastern ENP countries, the CEECs will probably encounter difficulties in building a powerful coalition on these two key aspects, as their preferences are too different from those of the big EU-15 countries. Moreover, as a consequence of their different relations with Russia, their economic cooperation with the Eastern neighbourhood countries and their slightly diverging views on visa facilitation for the Eastern ENP countries and the application of conditionality in ENP, it can be expected that the EU-8 will not always form one coherent group in Council negotiations related to these aspects of ENP. In addition, apart from Slovenia, all of them can draw on significant regional expertise and experience in dealing with the Eastern neighbourhood. For this reason, it can be assumed that the CEECs will cooperate less and compete more for impact on the Eastern dimension of ENP. Due to the geographical proximity as well as the political and economic significance of the Eastern ENP countries for the CEECs' own security and prosperity, it can be assumed that the CEECs will mobilise all their resources in order to shape policy according to their preferences. Following the logic of interstate bargaining, the CEECs will be more dependent on securing particular outcomes in negotiations related to the EaP than many EU-15 countries. Consequently, they will likely have only limited room for manoeuvre and bargaining power. Thus, if material sources of impact turn out to be the more important for member states' ability to shape policy outcomes according to their preferences, it can be expected that the CEECs will likely have either limited or medium impact on the substance of ENP.

However, it can be expected that the CEECs will be superior to the EU-15 countries in terms of ideational sources of impact on ENP due to their

regional expertise and experience. If ideational sources of impact prove to be more relevant to member states' success in pushing through their preferences, the CEECs will likely be able to exert medium to significant impact on ENP decisions.

Chapter 6

The Central and Eastern European EU member states' impact on the Eastern dimension of the European Neighbourhood Policy

1. Introduction

There is no doubt that the European Neighbourhood Policy and in particular its so-called 'Eastern dimension' touch upon vital interests of the CEECs and therefore significantly determine their behaviour in the Union's foreign policy (Cameron 2007: 66). Already in 2003, even before its actual accession to the EU, Poland promoted the idea of developing a separate policy framework for the EU's relations with its Eastern neighbours including Ukraine, Moldova and Belarus that would 'constitute the Eastern Dimension of the EU' (Cimoszewicz 2003).

The CEECs' focus on the EU's Eastern neighbourhood seems natural not only due to their own geographical location as the 'new external frontier of the EU' but also due to their regional expertise, the shared history with its Eastern neighbours and their transition experience (Cameron 2007: 66; see also V4 2004a).

This chapter aims to identify, evaluate and explain the CEECs' impact on the Eastern dimension of the European Neighbourhood Policy along two aspects of policy substance, objectives and priorities as well as instruments of ENP. As this chapter focuses on the Eastern dimension of ENP, the regional balance aspect will not be subject to the following analysis.

The chapter cannot cover all the EU-8's attempts to have an impact on the substance of the Eastern dimension of ENP. It deliberately leaves out the CEECs' impact on the EU's response to the Orange revolution in Ukraine in 2004 and to the Russo-Georgian war in August 2008. Both represented crisis situations.⁵⁷ Moreover, this chapter neglects the CEECs' role in the establishment of the Eastern Partnership (EaP) in 2009 and the European Endowment for Democracy (EED) in 2012. The EaP as an outcome of the

⁵⁷ For the reason why the CEECs' impact on crisis situations is left out, see chapter 1.

CEECs' impact has been already widely covered elsewhere.⁵⁸ The EED has been primarily a Polish initiative and not the outcome of coordinated action involving several CEECs. Instead, the analysis carried out in this chapter focuses on the EU-8's attempts to impact on the most important, recurring and contentious questions in ENP including its finalité, visa facilitation for the Eastern ENP countries as well as the application of conditionality in order to promote stability in the Eastern neighbourhood as well as within the framework of the new ENI regulation (Interview-EU_49).

As demonstrated in chapter 5, the finalité of ENP is highly contested among EU member states. It touches on one of the most important objectives of ENP, namely the avoidance of further enlargement. It represents an area of ENP where the differences in the EU-15's and EU-8's approaches are the greatest and in which the EU-8 has strong preferences. The same applies to the question of visa facilitation for the Eastern ENP countries, which forms part of the EU's ENP toolbox. As outlined in chapter 5, to become members of Schengen, the EU-8 had to introduce visa requirements for the citizens from the Eastern ENP countries which had profound repercussions for the people-to-people contacts and the EU-8's political relations with these countries. These EU-8's impact attempts on the goals and instruments of ENP are complemented by two in-depth case studies dealing with the CEECs' impact on the Council's decisions to impose sanctions against the Belarusian regime from January 2011 onwards and their impact on the implementation of the 'more for more' and 'less for less' approach in the new ENI regulation for the period 2014 to 2020. Both in-depth case studies are not only used to identify and evaluate the EU-8's impact on the substance of ENP but also aim to explain why the EU-8 sometimes manages to have an impact and other times does not.

The CEECs' attempt to impact on the Council's decisions to impose sanctions against the Belarusian leadership is integrated into the section on the EU-8's impact on the objectives of ENP. As highlighted in chapter 5, the EU-8 attaches great importance to political and economic stability in their neighbourhood. It serves as an important buffer zone between their territories and Russia. The EU's approach to Belarus has been subject to frequent and lively debates in the Council in which some of the EU-8 including Poland,

⁵⁸ See, for example, the articles by Copsey/Pomorska 2010 and Roth 2007 as well as the PhD theses of Pomorska 2008; Böttger 2010; Roth 2011; Kaminska 2010b and Nervi Christensen 2011.

Lithuania and the Slovak Republic played an important role due to their regional expertise and the political and economic significance of this country for their own stability and welfare. As argued by an EU official, 'it is fair to say that we would not have a policy towards Belarus, whatever that could be, if not for the fact that we have the Poles and Lithuanians sitting on this side of the table' (quoted in Pomorska 2008: 208). Most CEECs regard Belarus in addition to Ukraine as their top priority in the Eastern neighbourhood for various reasons such as geographical proximity, economic importance or due to their ethnic minorities living in Belarus. Finally, in contrast to many other ENP decisions, the adoption of sanctions requires unanimity. Thus, if the CEECs are able to shape the EU's neighbourhood policy according to their preferences, it will be most likely in this case.

The second in-depth case study which evaluates and explains the CEECs' impact on the implementation of the 'more for more' and 'less for less' in the new ENI regulation is integrated in the section on the EU-8's attempts to impact upon the instruments of ENP while it also has important implications for the conditionality principle in ENP. As set out in chapter 5, the EU-8 has a significantly different approach to the application of conditionality and particular to its implementation in the ENPI/ENI regulation compared to many EU-15 countries. The allocation of ENI funds represents an area where the EU-8 and many in particular Mediterranean EU-15 countries have strong preferences. Moreover, in contrast to the adoption of restrictive measures, Partial General Approaches (hereinafter PGAs⁵⁹) and the new ENI regulation only require the majority of the Council in order to be adopted. Thus, if institutional conditions make a difference, it will be most likely unveiled by an analysis of two cases which differ in this regard.

2. The EU-8's impact on the objectives of ENP

The avoidance of further enlargement and the promotion of stability in the EU's neighbourhood represent two core objectives of the ENP (see chapter 5). The

⁵⁹ A PGA is the Council's negotiating position on a regulation before entering the tripartite negotiations with the Commission and the Parliament. It represents the second stage of the tripartite negotiations on a financial instrument such as the ENI regulation. The Commission's proposal for a regulation usually represents the first stage, followed by the PGA. The PGA is usually decisive for the final outcome. Moreover, it is a good indicator of the most contentious provisions among EU member states.

purpose of this section is to examine in what regard and to what extent the EU-8 has managed to affect these two goals of ENP. It starts with the EU-8's attempts to get a membership perspective for several Eastern ENP countries and continues with their attempts to induce harsher sanctions against the Belarusian regime in order to stop the repression of opposition activists and civil society.

2.1 The CEECs' impact on the finalité of ENP: An alternative or stepping stone to enlargement?

Offering some of the Eastern European neighbours an EU membership prospect has been a key priority of the CEECs since the inception of ENP in 2004. Despite minor differences in the intensity of their support for a future EU accession prospect for some Eastern neighbours, the CEECs have continuously called at the multilateral and at the EU level within the Council and its preparatory bodies for giving them a 'European perspective' (Roth 2007: 510). The strongest and most vocal advocates are Poland and Lithuania. However, the other Visegrád and Baltic States also support an EU accession prospect for some of the Eastern European partners. Already in 2004 the members of the Visegrád Group stated that 'A democratic Ukraine, fulfilling its commitments and pursuing fundamental reforms, should be offered a long-term European perspective' (V4 2004b). As a gesture of continuous support for the membership aspirations of the Eastern European partners the Polish Minister of Foreign Affairs keeps on underlining that there is distinction between the Southern and the Eastern neighbours of the EU. He argues that 'to the south, we have neighbours of Europe, to the east we have European neighbours' who 'all have the right one day to apply, to fulfill [*sic!*] the criteria [for EU membership], and, perhaps to become members' (Sikorski quoted in Lobjakas 2008: 1).⁶⁰ The former Lithuanian Minister of Foreign Affairs, Audronius Azubalis, too, has continuously expressed the wish to 'be able to agree on EU membership perspective for our Eastern European neighbours' (quoted in

⁶⁰ For further statements by the Polish government on the need of an accession prospect for the Eastern European neighbours see, for example, Rettman 2013; Sikorski/Bildt 2013; Sikorski 2008: 7; Fotyga 2007: 346 and Meller 2006: 327.

EU21Global 2010: 2). Both countries are supported in these efforts by other CEECs including Estonia and Hungary.⁶¹

There are different options in terms of the phrases used in EU documents for expressing a future membership prospect for the Eastern ENP partners. They reflect the subtle but important nuances of the change of the EU's future enlargement policy towards Eastern Europe including the Eastern ENP partners. The question as to which wording is used in ENP-related EU documents concerning a possible future accession prospect is complicated as it determines how 'this signal is formulated' and by this how strong it is to the Eastern ENP partners (Interview-EU_43).

The first option is a reference to Article 49 of the Treaty on European Union in an ENP-related EU document. Article 49 is the accession article and a reference to it in an ENP-related EU document represents the strongest possible signal of a membership prospect for the Eastern European countries. For the CEECs this is their most preferred phrase when it comes to the drafting of ENP-related EU documents (Interview-NMS_46). The second option is a reference to the values on which the EU is based in conjunction with the Treaty on the European Union. For the CEECs a 'reference to the Treaty on European Union and values implies that Article 49 is applicable to the partner countries' although the message of this phrase is weaker than a clear reference to Article 49 (Interview-NMS_46).

The third option includes the choice between the wording 'the EU notes', 'the EU acknowledges' and 'the EU welcomes the European aspirations' of its Eastern ENP partners. For the CEECs these words 'express different degrees of member state willingness' to grant the Eastern ENP partners a membership perspective (Interview-NMS_52). The CEECs would like the EU to 'welcome' the European aspirations of the Eastern ENP partners (Interviews-EU_62, NMS_38 and NMS_39). Using the word 'welcomes' means that the EU wants 'to encourage the partner countries' to strive for a membership prospect (Interview-EU_49). The second-preferred word is 'acknowledges'. However, as some of the CEECs argue, acknowledges 'means nothing for the East' (Interview-EU_62). Other CEECs admit that 'acknowledges implies it [the EU]

⁶¹ See for repective comments by the Estonian and Hungarian Ministers of Foreign Affairs Paet and Martonyi the Baltic Times 2012 and Debating Europe 2011.

acknowledges the fact' (Interview-NMS_46). The third preferred wording is 'notes' the European aspirations of some Eastern ENP partners.

The fourth option includes either no reference at all to a future EU membership prospect for the Eastern ENP partners or a phrase stating that ENP 'remains distinct from the question of EU membership' (Council 2007a: 2). In particular the latter phrase is regarded by the CEECs as negative, meaning that the EU will not grant a membership prospect to the Eastern ENP partners in the foreseeable future, and should therefore be avoided (see Pomorska 2008: 177).

In order to be able to assess the CEECs' impact on the finalité of ENP, it seems reasonable to review ENP-related Council or Commission documents with regard to these phrases for expressing a future membership prospect for the Eastern ENP partners.

The Commission's and EEAS's Communication 'A New Response to a Changing Neighbourhood' of 25 May 2011 includes the strongest reference to a future EU membership prospect for some Eastern European partners by stating that:

'The values on which the European Union is built – [...] are also at the heart of the process of political association and economic integration which the Eastern Partnership offers. These are the *same values* that are enshrined in article 2 of the *European Union Treaty* and on which articles 8 and 49 are based' (European Commission and EEAS 2011b: 14, emphasis added).

The Commission and EEAS's recent joint Communication 'European Neighbourhood Policy: Working towards a Stronger Partnership' of 20 March 2013 repeats the same wording (Commission and EEAS 2013: 16).

The reference to Article 49 in both documents is remarkable for several reasons. First, it is included in joint documents of the European Commission and the Union's High Representative for Foreign Affairs. Against the background that the Commission has underlined in many of its former ENP strategy papers that ENP 'is distinct from the possibilities available to European countries under Article 49 of the Treaty on European Union'⁶² this clear

⁶² See on this particular formulation Commission 2004a: 3. The Commission's 'Wider Europe' Communication of March 2003 underlines that ENP is devised as a policy for those neighbourhood countries that 'do not currently have the perspective of membership of the EU' (2003b: 4). The Commission's Communication of December 2006 again explicitly states that 'ENP remains distinct from the process of EU enlargement' but it 'does not in any way prejudice the possible future development of their [European ENP partners] relationship with the EU, in accordance with Treaty provisions' (2006b: 13). The Commission's communication of

reference to Article 49 included in both communications can be regarded as a change in the Commission's position towards a future EU membership for some Eastern European partners. This shift seems even more significant when taking into account that the original concept of ENP aimed at stopping further enlargement (Interview-EU_51). Moreover, at least the Communication of May 2011 was adopted by written procedure implying that there was a general agreement on it within the College although there is usually 'a battle within the Commission on this question [membership perspective]' (*ibid.*). Second, the Communication of May 2011 represents a document that is of high relevance to the strategic development of ENP. It is the outcome of an extensive consultation process with member state governments and civil society organisations on the main priorities and objectives of the future ENP. However, the inclusion of Article 49 in both documents cannot be ascribed to the EU-8's efforts only. While the foreign ministers of Lithuania, Romania and Latvia sent a joint letter to the European Commission in which they urged the Commission to include a reference to Article 49 in the communication (Interview-NMS_46), Commissioner Füle together with other Commissioners from the CEECs were instrumental in ensuring a reference to Article 49 in the ENP communications. Moreover, it can be assumed that also other EU member states which usually advocate a reference to Article 49 including Poland, the Slovak Republic, Estonia, Czech Republic but also Sweden, UK and Finland have tried to make their voice heard (Confidential-OMS_11: 3).⁶³

The second strongest reference to a future EU membership prospect for the Eastern European countries includes the EaP Summit Declaration of September 2011 which was adopted by the then 27 EU member states and the Eastern ENP partners. It states:

'The Eastern Partnership is based on a community of values and principles of liberty, democracy [...]. All countries participating in the Eastern Partnership are committed to these values [...]. Any European Union Member state is also committed to them through the Treaty on the European Union. The participants of the Warsaw Summit acknowledge the European aspirations and the European choice of some partners' (Council 2011e: 1).

December 2007 deviates from the phrases used in previous communications by arguing that ENP concerns 'the EU's ability to develop an external policy complementary to enlargement' (2007a: 2).

⁶³ Hungary seems to have a more cautious approach to this question. Following the Commission's overview of the member states' responses to the strategic review of the ENP Hungary argues that 'EU accession aspirations of European partners should be recognised (without taking any commitment)' (Confidential-EU_10: 9).

The inclusion of this wording in the Declaration has been generally regarded as an achievement of the CEECs although it only represents a compromise put forward by Poland. As an official from a CEEC admitted, 'this formulation included in the Declaration of the Warsaw Summit implies that the Eastern Partnership is on *the road* to membership' (Interview-NMS_46, emphasis added). However, the declaration does not include a reference to Article 49 of the Treaty on the European Union. Polish Prime Minister Tusk, for example, was obviously disappointed about the lack of a reference to the accession article in the declaration. According to Polish media, Warsaw pushed for an explicit reference to Article 49 to be included in the declaration but failed (Tabula 2011). Shortly after the summit Tusk had to admit that he and his counterparts did not manage to meet the expectations of Georgia, Ukraine and Moldova which had hopes 'related to a clear perspective of EU membership' (Tusk quoted in Tabula 2011). Moreover, all CEECs would have preferred the EU to 'welcome' instead of just 'acknowledge the European aspirations' of the Eastern European partners (Interviews-NMS_39 and NMS_38). When assessing the relevance of the phrase used in the Warsaw Summit Declaration in terms the CEECs' impact on the finalité of the ENP, two aspects should be taken into account. First, the wording used in the EaP Summit Declaration is unique in the sense that it has not been used in any other previous or subsequent ENP-related EU document. Second, the EaP Summit Declaration of September 2011 represents not only an EU but also a multilateral document as it was signed by all 27 EU member states and the Eastern European partners.

Many ENP-related EU documents include the phrase 'the EU acknowledges the European aspirations and the European choice of some partners' which represents the CEECs' third preferred option with regard to the formulation of a future EU membership prospect for the EU's Eastern ENP partners.⁶⁴ In a few documents the less encouraging word 'acknowledges' has been complemented by underlining that Ukraine is 'a European country' that 'shares a common history and common values with the countries of the European Union (e.g. Council 2009e: 1; Council 2008c: 3; Council 2011g: 1). In other⁶⁵ EU documents in line with the CEECs' preference, the word 'welcomes' is used but in conjunction with a 'commitment to the goals of political

⁶⁴ This phrase has been used for example in Council 2013a: 1; Commission and EEAS 2012c: 10; Commission and EEAS 2012a: 3; Council 2011i: 3 and Council 2012g: 18.

⁶⁵ This phrase has been used, for example, in Council 2010f: 1 and Council 2011j: 2.

association' which is tantamount to an exclusion of an enlargement prospect for the respective Eastern European ENP country. A 'welcome' without reference to 'political association' in accordance with the CEECs' preference has only been used in 'Lines to Take' on Moldova and Georgia (Interview-NMS_46). However, 'Lines to Take' are usually informal and internal EU documents which never become public. The EU accession prospect is even less encouraging in the EU-Georgia, EU-Armenia and EU-Azerbaijan Action Plans, which only state that the EU 'takes note' of their European aspirations (Commission 2006c: 1; 2006d: 2; 2006e: 1).

The CEECs' least preferred formulation in ENP-related EU documents is an explicit phrase underlining that ENP 'remains distinct from the question of EU membership' that is regulated by Article 49 of the Treaty on the European Union which is tantamount to an effective exclusion of a membership prospect for the Eastern ENP partners. This phrase has been used in several early ENP-related EU documents.⁶⁶ In recent ENP-documents this sentence has been complemented by a phrase stating that ENP 'does not prejudge any possible future development of partner countries' relations with the EU'.⁶⁷ This wording implies a certain 'dilution' of the negative formulation with regard to the accession perspective (Interview-EU_51). Moreover, it represents the constructive ambiguity that is characteristic of ENP.

The review of ENP-related documents shows that the CEECs' impact on the finalité of ENP can be classified as low, mainly limited to soft law instruments and 'divisive' in nature. Only two ENP documents refer to Article 49 of the TEU in line with the CEECs' most preferred option. However, these references cannot only be attributed to the CEECs' efforts but also to the Commissioner for Enlargement and ENP who is a staunch supporter of a membership prospect for some Eastern ENP countries (Interview-EU_51). While in particular the 2011 communication can be regarded as relevant, it is a Commission communication, which remains without further implications for the implementation of ENP.

The EaP Summit Declaration of September 2011 includes a weaker phrase referring to the EU's values and the Treaty on the European Union. It

⁶⁶ See for this phrase, for example, Council 2007a: 2; Council 2008a: 1; Commission 2004c: 6; Commission 2004d: 5; Council 2003c: V and Council 2007d: 2.

⁶⁷ See for this phrase, for example, Council 2007d: 2; Council 2003b: 8; Council 2008a: 1; Council 2007a: 2; Council 2007c: 6; European Council 2009: 19 and Council 2009c: 5.

represents so far the strongest reference on a membership perspective included in the Council documents. However, the reference 'definitely does not represent a success for those who wanted a clear-cut reference to Article 49' (Interview-OMS_73). But it was the most possible the EU-8 could achieve in the negotiations (Interview-OMS_73). Moreover, the EaP declaration of September 2011 is a multilateral document that was signed by the Eastern ENP neighbours. Many ENP-related EU-documents only correspond to the CEECs' third preferred option including the words 'acknowledges' or even 'takes note' which run counter to the CEECs' preference. They are mainly soft law instruments.

Notable exceptions represent the EU's Association Agreements with Ukraine, Moldova and Georgia which are legally binding. The wording on the possible future accession prospect to be included in the preamble of the EU Association Agreement with Ukraine was highly contested among the EU member states. Some CEECs such as Poland and the Czech Republic but also the UK, Romania and Bulgaria pushed for a more ambitious language including a reference to Article 49 (Interview-EU_56). Indeed, there was a discussion on the inclusion of a reference to Article 49, Article 2 and/or Article 8 of the Treaty on the European Union in the preamble of the agreement (*ibid.*). However, for countries such as Germany or Belgium a reference to Article 49 'was unacceptable' (Interview-EU_56). Other EU member states including France and Italy were only willing to support a reference to Article 8 but not to 49. At the end no such reference was included in the text and the CEECs had to realise that 'they cannot fight for something that is a no-go' (*ibid.*). Finally, some ENP-related EU documents even explicitly underline that ENP 'remains distinct from enlargement' (see above). This phrase is contrary to what the CEECs want to achieve for the Eastern ENP partners.

In terms of the frequency of the individual phrases and the relevance of the documents in which they have been used, it could be argued that the CEECs' impact on the finalité of ENP has been limited. However, when taking into account that the ENP was mainly set up in order to avoid further enlargement (see chapter 5), it cannot be denied that the wording on a future membership prospect used in ENP-related EU documents has shifted and become more ambitious and encouraging. The CEECs managed 'by small incremental steps' to blur the language on the membership perspective

(Interview-OMS_67). Due to their efforts, a membership for Ukraine, Georgia and Moldova is not explicitly excluded anymore like in the early ENP-related documents but left open. However despite the Commission's support and their united position the CEECs did not manage to get a clear reference to Article 49. Even during the negotiations on the EaP Summit Declaration in 2011 when Poland was holding the Council Presidency reaching agreement on a more ambitious wording turned out to be impossible due to the strong opposition from several large and small EU-15 countries. The blurred wording can be attributed to the CEECs and the Commission. While low, their impact was not only limited to soft law instruments. All three Association Agreements underline that they leave 'open the way for future progressive developments' in Ukraine's, Georgia's and Moldova's relations with the EU (Council 2013d: 2 and 2013e: 2; similar statement in Council 2011h: 8).

2.2 The CEECs' impact on the Council's decisions to impose sanctions against the Belarusian regime

This section not only aims to evaluate the EU-8's impact on the objectives of ENP but also to explain why the EU-8's impact varies from case to case. It systematically applies the three sources of impact (material, institutional and ideational) to the EU-8's attempts to affect the Council's decisions to impose harsher sanctions against the Belarusian leadership.

The CEECs usually advocate a stricter application of conditionality by the EU towards third countries as shown in chapter 5. It also and foremost applies to Belarus, which is regarded as Europe's 'last dictatorship' (Westerwelle quoted in EurActiv 2012b). Already on 2 November 2004 in response to the manipulations of the parliamentary elections in Belarus Poland urged its EU counterparts to add further Belarusian officials to the visa ban list (Council 2004b: 8). The measures were targeted specifically at those officials who were directly involved in the undemocratic and unfair elections and 'responsible for severe human rights violations in the repression of peaceful demonstrators' (Council 2004d: 17). In the aftermath of the Belarusian presidential elections of 19 March 2006, the CEECs again pushed for the imposition of sanctions on Belarusian officials and the extension of the visa ban list. In the run-up to the Council meeting on 10 April 2006 in Luxembourg, Poland together with the Czech Republic, the Baltic countries, Sweden, Denmark and Slovakia

spearheaded the drafting of a 'sanctions-and-aid' list for Belarus (Lazarová 2006).⁶⁸

On 10 April 2006 the Council formally adopted a visa ban against 31 individuals among them also the Belarusian President Aleksandr Lukashenko. Moreover, the Council referred to 'possible further targeted measures' against Belarusian officials without specifying what kind of sanctions it could impose in the future (Council 2006b: 1). However, the Council stressed in accordance with the CEECs' preference that these possible sanctions would not 'be directed against the Belarusian population' (*ibid.*). Originally, the CEECs including Poland and Slovakia advocated a longer visa ban list that would be open to expansion. Moreover, the CEECs raised the question of imposing 'smart sanctions' on the Belarusian regime (US cable 2006). In the end, the longer visa ban list was dismissed and the option of imposing targeted sanctions on the Belarusian leadership was left open due to the lack of necessary support from other EU member states. The Council, however, noted in accordance with the CEECs' preference that both options, the expansion of the visa ban and the imposition of targeted measures, remained open and 'under constant review' (Council 2006b: 1). On 18 May 2006 the Council then decided to freeze the assets and financial resources of President Lukashenko and certain leading Belarusian officials (Council 2006d).

While the travel restrictions imposed on the Belarusian leadership including President Lukashenko were continuously prolonged, the EU decided to suspend their actual application in the period between October 2008 and December 2010 except for those persons who were responsible for the disappearances of four Belarusians in 1999/2000. The application of the travel restrictions was initially suspended for six months, then nine months and then until October 2010. However, in the run-up to every Council decision on a possible extension of the travel restrictions and the suspension of their application, EU member states diverged in their positions concerning their rollover. In particular, in response to the release of political prisoners by the Belarusian regime in 2008, member states started discussions within the Council on the exact expiration dates of the visa ban mandate and the

⁶⁸ It remains unclear who was the initiator of the sanctions list. Kaminska argues that Poland initiated the expansion of the visa ban list for Belarusian officials, while Lazarová argues that the Czech Republic was the initiator of additional sanctions against Belarus including the extension of the visa ban list in April 2006 (Kaminska 2008: 4; Lazarová 2006).

temporary suspension of the travel restrictions (US cable 2009a). While the CEECs did not play a decisive role in keeping the sanctions mandate in place they supported the UK and Netherlands as two of strongest advocates of a rollover of the sanctions (US cable 2009b). In the run-up to the Council meeting on 17 November 2009, Hungary, for example, indicated that it was 'not ready to lift the sanctions now' and advocated a rollover of the mandate for at least another year (quoted in US cable 2009c). Poland and Lithuania also argued for keeping the sanctions mandate in place. Germany, Latvia and France were ready to lift the sanctions (US cable 2009b).

The conduct of the Presidential elections in Belarus of 19 December 2010 and the subsequent brutal repression of civil society and members of the opposition sparked a new debate within the Council on the restrictive measures against the Belarusian leadership. The campaign for the re-introduction of the previous restrictive measures and for the imposition of additional, tougher sanctions on the Belarusian leadership was spearheaded by Poland and Sweden. Other EU member states such as Germany, the UK, the Czech Republic, Hungary and Slovakia supported the re-introduction of the sanctions but were initially against imposing economic sanctions against Belarus.

On 31 January 2011, the Council decided to reimpose the previously suspended travel restrictions on leading Belarusian officials. In addition, it adopted a visa ban on President Lukashenko and 157 officials. Further the Council decided to freeze the assets of those persons 'responsible for the fraudulent Presidential elections' and the repression of opposition candidates (Council 2011d: 2). On 20 June 2011 the Council first time adopted economic sanctions against Belarus including an embargo 'on arms and materials that might be used for internal repression' as well as an asset freeze on Vladimir Peftiev, an influential Belarusian businessman 'linked to the regime' and three companies owned by Peftiev (Council 2011f: 2). In April 2012, the EU's visa ban and asset freeze list included altogether 243 leading Belarusian officials and businessmen as well as 32 Belarusian companies (Commission 2012b: 2). The Council further announced that EIB loans to Belarus would be conditional on its respect for human rights and rule of law which needed to be classified by the EU as 'sufficiently positive' (Council 2011f: 2).

While the measures adopted by the Council in January and June 2011 were generally regarded to be ‘too little’ and ‘too late’⁶⁹ and rather of symbolic nature, they largely corresponded to Poland’s and the other CEECs’ preferences. Those CEECs which were in favour of tougher sanctions such as Poland, Slovakia and to a lesser extent the Czech Republic and Hungary, succeeded in expanding the visa ban and asset freeze list and imposing targeted economic sanctions. Individual CEECs such as Slovenia and Latvia managed to make their voice heard with regard to selected companies to be spared from the asset freeze list.

The following section analyses what accounts for the CEECs’ partial success in pushing their preferences through with regard to the Council’s decisions to impose sanctions against Belarus. It starts with an overview of the CEECs’ preferences with regard to the type of EU sanctions to be imposed against Belarus. The next section will then briefly outline what the CEECs achieved in terms of the type of sanctions imposed against Belarus and what accounts for their impact.

2.2.1 The CEECs’ preferences with regard to the type of sanctions to be imposed against Belarus

In response to the repression of opposition members in the aftermath of the presidential elections in December 2010, all CEECs wanted the EU to reenact the previously temporarily suspended sanctions against the Belarusian regime. Moreover, all CEECs advocated the imposition of tougher, additional restrictive measures against the recalcitrant Eastern neighbour. However, they were divided with regard to the concrete type of these additional restrictive measures.

In general, the Council had to choose between three different types of additional sanctions. One possibility was to expand the existing visa ban list to include either further leading Belarusian officials and politicians and/or legal entities, meaning also leading Belarusian businessmen who maintained close personal contacts with the regime. Tougher sanctions included an expansion of the asset freeze list to include either additional leading Belarusian politicians and officials and/or leading Belarusian businessmen and selected Belarusian companies. The third option on the table envisaged the imposition of

⁶⁹ For this assessment see Marin 2011: 7.

comprehensive economic sanctions such as embargoes on goods such as oil or arms, or blanket import and export bans (Interview-OMS_76). Moreover, the Council could have decided to exclude Belarus from the Eastern Partnership, cut the EU's financial assistance to Belarusian authorities or prompt the IMF, EIB and EBRD to stop granting further loans to Belarus.

Poland 'pushed a very hard line on the sanctions' against Belarus arguing 'that the EU has to do everything' to ensure that 'all relevant people are on the list including also companies' (Interview-EU_49). Poland wanted the Council to adopt a substantial 'expansion of the travel ban and the imposition of economic sanctions' in the form of an embargo or import ban on selected goods (Interview-OMS_73). In addition, Poland supported a suspension of the EU's financial assistance to Belarusian authorities and all high-level visits and meetings with representatives of the Belarusian authorities (Easton 2011). However, like all CEECs Poland was in favour of keeping Belarus in the Eastern Partnership (Jozwiak 2011b).

The Czech Republic, Slovakia and Hungary supported a substantial expansion of the visa ban list but 'were more reluctant on the discussions concerning the imposition of economic sanctions' (Interview-OMS_73). The Foreign Minister of the Czech Republic opposed the imposition of blanket economic sanctions as they 'could cause harm to ordinary citizens of Belarus' (Schwarzenberg quoted in Jones 2011). From Schwarzenberg's point of view 'the sanctions should only affect the representatives of the regime' including senior officials, judges, public prosecutors and policemen (*ibid.*). The Hungarian Minister of Foreign Affairs, Janos Martonyi, pointed out that he 'would support all sanctions which affect the political establishment' of Belarus but made clear that he was 'less in favour' of those sanctions 'punishing the people' (Martonyi quoted in Naviny 2011a). Slovakia formally backed the adoption of the toughest possible restrictive measures against Belarus including targeted economic sanctions against selected Belarusian companies in line with Poland's preferences. The Slovak Minister of Foreign Affairs, Mikulas Dzurinda, praised the imposition of targeted economic sanctions as 'an important development' since he shared 'a belief of many who call for such measures' (Dzurinda quoted in Permanent Mission of the Slovak Republic to the UN 2011).⁷⁰

⁷⁰ For similar statements by Dzurinda see also Jozwiak 2011c.

The Baltic States and Slovenia were keen to avoid any additional restrictive measures in particular against selected Belarusian companies due to possible economic repercussions (EU business 2013; 15min.LT 2012b). The Lithuanian President, Dalia Grybauskaitė, for example, noted that ‘sanctions against the regime are necessary’ but without any repercussions for the ‘ordinary people’ of Belarus (Grybauskaitė quoted in EU business 2012). Lithuania was against an asset freeze of selected Belarusian companies (Dudzinska/Dyner 2013: 1; Klysinski 2013: 1). Latvia was also against the imposition of economic sanctions on Belarusian businessmen and companies, fearing serious repercussions for its economy (Gebert 2013: 3).

To sum up, all CEECs were in favour of a re-introduction of sanctions against the Belarusian regime and advocated additional, tougher sanctions. However, they differed in their views on the concrete type of the additional restrictive measures. While Poland advocated the imposition of economic sanctions, the other Visegrád countries were initially hesitant about freezing the assets of Belarusian companies and imposing embargoes on selected goods. The Baltic States and Slovenia openly opposed the imposition of economic sanctions against Belarusian companies.

2.2.2 What the CEECs achieved

The Council’s response to the repression in 2010 and the continuously deteriorating human rights situation in Belarus consisted of several rounds of sanctions in the period from January 2011 to October 2013. For a careful evaluation of the CEECs’ impact it seems reasonable to take into account all relevant EU responses and Council decisions related to the imposition of sanctions against Belarus in this period of time. Moreover, it should be noted that even if the Council’s decisions partially corresponded to the CEECs’ preferences it would be naïve to assume that they represented the sole achievement of the CEECs.

The EU initially showed limited interest in the violations of human rights in the aftermath of the elections in December 2010. Catherine Ashton deplored the use of force. However, she did not demand the immediate release of the arrested persons and did not challenge the election results (Vandecasteele 2012: 6). For this reason, the ‘initial reaction of the EU was rather weak’ (*ibid.*).

The CEECs were instrumental in placing the imposition of sanctions against the Belarusian regime on the EU's agenda. As an immediate response to the crackdown, the Ministers of Foreign Affairs of Poland, Sweden, the Czech Republic and Germany published a joint letter in the New York Times on 23 December 2010 entitled 'Lukashenko the Loser' in which they made clear that the EU 'will not stand indifferent to gross violations' of human rights, democracy and rule of law by the Belarusian leadership (Bildt et al. 2010: 2).

As the EEAS had no delegation to Belarus at that time, the Hungarian Ambassador to Belarus asked on 5 January on behalf of the EU to meet the arrested civil society and political activists in order to ensure their well-being (Vandecasteele 2012: 6). In the run-up to a meeting of high-level EU diplomats scheduled for 7 January 2011, Poland started drafting a new visa ban list including 96 leading Belarusian officials among them the Belarusian President Lukashenko, which it wanted the Council to adopt at its upcoming meeting on 31 January 2011 (Rettman 2011b). In the meantime Poland unilaterally imposed travel restrictions on leading Belarusian officials responsible for the repression and increased the pressure on other EU member states to follow. Through these initiatives the EU-8 managed to ensure that the EU's approach towards Belarus remained on the agenda of COREPER II (Vandecasteele 2012: 6)

At the decision-making stage, the CEECs' impact was initially limited and increased only in the course of the year due to the changing approach of Germany and France. On 31 January 2011 in line with the CEECs' preferences the Council decided to reenact the previously temporarily suspended restrictive measures against the Belarusian regime. In addition, it imposed a visa ban and asset freezes on 157 leading Belarusian officials including the Belarusian president Lukashenko (Babayev 2013: 202). However, despite Poland's request for economic sanctions, the Council refrained from imposing an embargo or any kind of economic sanctions against Belarus. The Council conclusions of 31 January 2011, however, underlined that the 'restrictive measures and the list of persons targeted will be kept open and under constant review' (2011d: 2).

It remains questionable to what extent this Council decision can be attributed to the CEECs' impact only. The reinstatement of the sanctions was a more or less 'consensual' decision (Interview-EU_70). The only country that

opposed the reinstatement of the restrictive measures was Italy (Rettman 2011c). Almost all other EU member states were in favour of it (Interview-EU_70). For this reason it cannot be regarded as the success solely of the CEECs. The same applies to the expansion of the visa ban and assets freeze list. The CEECs were joined in their demand for harsher sanctions by several EU-15 countries such as Sweden, Germany, UK and the Netherlands. The former German Minister of Foreign Affairs Guido Westerwelle together with his British counterpart called on 28 January 2011 for a reinstatement of 'a harsh package of sanctions' and the consideration of 'further measures' against the Belarusian regime (Hague/Westerwelle 2011). However, it cannot be denied that Poland was an 'absolute hardliner' and front runner in this regard (Interview-EU_70). Against this background, the expansion of the visa ban and asset freeze list can at least partially be attributed to the CEECs' impact. Poland's call for economic sanctions, in contrast, remained unheard that time.

The subsequent Council decisions of March and June 2011 took more account of the CEECs' preferences. On 21 March 2011 the Council in line with the CEECs' preferences decided to expand the visa ban and asset freeze list to include altogether 175 leading Belarusian officials and politicians. The Council further tightened the sanctions against Belarus on 20 June 2011. In addition to a further expansion of the visa ban and asset freeze list, the Council for 'the first time ever' imposed economic sanctions against Belarus in accordance with Poland's preference (Kryvoi 2011). The economic sanctions comprised an embargo 'on arms and material that might be used for internal repression' as well as an asset freeze on three Belarusian companies owned by Vladimir Peftiev, an influential Belarusian businessman who served as an economic advisor to Lukashenko (Council 2011f: 2). Moreover, the Council decided to make EIB loans to Belarus conditional on an improvement in its human rights and rule of law record. However, one has to be careful when analysing to what extent the Council's decision to impose economic sanctions can be attributed to the CEECs' impact only. While Poland was the first EU member state calling for economic sanctions, it was not alone. It received support from several EU-15 countries such as Sweden, the UK and the Netherlands (Interview-OMS_73). Moreover, the question of economic sanctions only gained momentum when Germany gave up its initial opposition to such measures and joined those EU member states which supported them from the very beginning. However, it

should be noted that the list including the persons and companies to be covered by the economic sanctions was drafted by member state representatives in Minsk in May 2011. Apart from Slovenia, and in contrast to many EU-15 countries, all CEECs have embassies in Minsk and were significantly involved in the compilation of the list (Rettman 2011d).

The CEECs' impact on the subsequent decisions of the Council of February and March 2012 was comparable to a double-edged sword. On the one hand the Council decided on 28 February 2012 in line with the CEECs' preferences to add 21 persons to the visa ban and assets freeze list. On the other hand, individual CEECs such as Slovenia and Latvia undermined the other CEECs' efforts. Due to Slovenia's threat to veto the decision imposing these restrictive measures, a 22nd person, the influential Belarusian businessman Iuri Chizh was spared this time from this visa ban and the asset freeze (RFERL 2012a). The Polish Minister of Foreign Affairs deplored Slovenia's move, noting that it was 'a sad day for the European Union' (Sikorski quoted in RFERL 2012b). The same applies to the Council's decision of 23 March 2012. In line with the CEECs' preferences the Council designated 12 additional persons who would be subject to a visa ban and asset freeze among them Iuri Chizh and Anatoly Ternavsky, two Belarusian businessmen who supported the Lukashenko regime financially.

Moreover, the Council significantly expanded the economic sanctions by freezing the assets of a further 26 Belarusian companies. However, Slovenia and Latvia blocked the adoption of an asset freeze against three companies owned by Chizh, due to their vital importance for their economies (Hyndle-Hussein/Klysinski 2012: 2). Despite their failure to prevent the Council from including Iuri Chizh on the visa ban and assets freeze list this time, they managed to take Neonafta, Belneftgaz and Elite Estate off the assets freeze list. Irrespective of the concessions made to Latvia and Slovenia, the Polish Minister of Foreign Affairs described the expansion of the restrictive measures as adopted by the Council as 'an expression of European solidarity with the Belarusian society' (quoted in Telegraf 2012). By March 2012, altogether 29 Belarusian companies and 200 leading Belarusian politicians, officials and businessmen were banned from entering the EU and subject to an asset freeze.

In subsequent decisions of April and November 2012 the Council further tightened the restrictive measures against Belarus. By June 2013 243 leading

Belarusian politicians, officials and influential businessmen as well as 32 companies were subject to a visa ban and an asset freeze.

Compared to the EU's earlier responses to the violation of human rights as well as electoral and democratic standards in Belarus the Council's decision to freeze the assets of selected Belarusian companies and impose an arms embargo was remarkable for several reasons. It was the 'first time ever' that the EU 'imposed an arms embargo against Belarus and economic sanctions against individual Belarusian companies' and many 'had questioned whether Europe could ever agree on it' (Kryvoi 2011).⁷¹ While in practice the sanctions had rather modest repercussions⁷² for the Belarusian economy, they 'have a great symbolic meaning' (Kryvoi 2011). The imposition of an arms embargo represented a novelty compared to previous measures. Moreover, the adoption of such measures represented 'a big step' and step-up of the EU's hitherto sanctions regime against Belarus (Vandecasteele 2012: 6). Finally, these measures were adopted despite the opposition from large 'old' EU member states such as Italy.

2.2.3 Explaining the CEECs' impact

What accounts for the CEECs' success in placing the imposition of harsher sanctions on the EU's foreign policy agenda and their partial success in shaping the Council's response to the repression of opposition forces in December 2010? The following section evaluates to what extent material, institutional and ideational sources account for the CEECs' impact on the Council's decisions to impose sanctions against Belarus in the period from 2011 onwards.

2.2.3.1 Material sources of impact

Coalition building represented a decisive factor in the negotiations on the imposition of sanctions against Belarus at the decision-making stage. It can explain why the CEECs initially had only limited impact on the Council's first

⁷¹ See for a similar assessment Babayev 2013: 202.

⁷² See for this assessment Giumelli/Ivan 2013: 35-36 and Korosteleva 2012: 30ff. Indeed, the EU's trade with Belarus has increased in the period from 2010 to 2013 despite the economic sanctions and the arms embargo (Commission 2014a: 4).

decision to impose sanctions against Belarus and why the CEECs' impact on the subsequent Council decisions increased.

The attempts of the Polish Minister of Foreign Affairs Sikorski to build a coalition with other EU member states on the EU's future approach towards Belarus started in the run-up to the presidential elections in Belarus. On 2 November 2010 he travelled together with his German counterpart Westerwelle to Minsk in order to offer the Belarusian leadership 3 billion EUR of EU assistance in return for respecting electoral standards (Rettman 2010b). Within the framework of a meeting with high-level diplomats which took place at the end of November 2010 Sikorski pressed his counterparts to closely monitor the election process and to second significant numbers of election observers (The Global Intelligence Files 2010). In the aftermath of the presidential elections on 19 December 2010, Sikorski immediately teamed up with his Swedish, German and Czech colleagues. His coordination efforts resulted in the publication of these countries' joint letter in the New York Times on 23 December 2010. By this, he set the scene for the subsequent discussions in the Council and managed to place the EU's response to the crackdown high on the EU's foreign policy agenda.

Meetings of high-level EU diplomats in early January, however, demonstrated that this coalition was initially limited to the agenda-setting stage and the re-introduction of sanctions. The reimposition of the former sanctions was not a really 'controversial item in the EU' (Papic quoted in the Global Intelligence Files 2011a). Italy was the only country that opposed the imposition of a visa ban against Lukashenko and further Belarusian officials. Other EU member states such as Spain and Portugal were also more cautious but did not oppose the decision (Rettman 2011c).

More serious cleavages among EU member states became apparent with regard to the imposition of economic sanctions. In early January 2011 Poland together with the Czech Republic, Slovakia, the Netherlands, Lithuania, Sweden, the UK and Germany supported the imposition of hard sanctions against Belarus but they were divided in their views about whether hard sanctions include economic sanctions or not (Rettman 2011e). Poland and Sweden from the very beginning 'wanted an expansion of the travel ban and the imposition of economic sanctions' (Interview-OMS_73) and received support for their demand from the Netherlands which advocated 'the toughest possible

sanctions' against Belarus (Interview-OMS_67). Other EU member states which were at least willing to support economic sanctions included the UK, Slovakia and to a certain extent the Czech Republic. In contrast, Germany, France, Lithuania, Latvia, Spain, Portugal and Finland initially opposed the idea of a 'however limited' embargo or economic sanctions (Marin 2011: 7). Germany's initial understanding of harsh sanctions did not envisage economic sanctions (Papic quoted in The Global Intelligence Files 2011a). Berlin feared that an imposition of economic sanctions could further push the Belarusian authorities into the arms of Russia (The Global Intelligence Files 2011b). Due to Germany's and France's reluctance economic sanctions appeared unlikely in January 2011.⁷³ As Sikorski had to admit, 'there was no consensus' among EU member states to impose economic restrictive measures (Sikorski quoted in Rettman 2011a). For this reason, the Council refrained from imposing economic sanctions in January 2011 against Belarusian companies despite Poland's push for them (DW 2011a).

The situation changed in the period from February to June 2011. Several events such as the violent repression of peaceful protestors by the Belarusian police in March 2011 and the five-year prison sentence of Andrei Sannikow demonstrated that the Belarusian authorities continued to violate human rights despite the EU's sanctions.⁷⁴ Sikorski used this window of opportunity to put the imposition of economic sanctions again on the EU's agenda. Already by the end of March he announced that he managed to convince several of his colleagues of the imposition of 'sanctions against particular companies' (quoted in Naviny 2011b). He used the meeting with his French and German counterparts in Bydgoszcz within the framework of the Weimar Triangle on 20 May 2011 to emphasise his claim. After the meeting with Juppe and Westerwelle, Sikorski announced that agreement could be reached on the imposition of economic sanctions against selected Belarusian companies. As he stressed, 'Not a general embargo, but something which will make life difficult for companies which finance the regime' (Sikorski quoted in DW 2011b). Targeted economic sanctions were not Sikorski's first choice. He originally wanted blanket

⁷³ For this assessment see also Knuf 2011.

⁷⁴ At the end of March 2011, several hundreds political protestors were attacked by the Belarusian police within the framework of a demonstration against the government. Several of them experienced physical violence and more than 50 of them were arrested (The Seattle Times 2011). In May 2011 a former presidential candidate and opposition leader, Andrei Sannikow, was sentenced to five years imprisonment. He was accused of organising protests in the run-up to the presidential elections in December 2010 (Schwartz 2011).

economic sanctions (Interview-EU_70). Targeted economic sanctions likely represented the concession he had to make to Germany and to France which were keen to underline that the 'sanctions will affect the regime, not the people' (Westerwelle quoted in DW 2011b). On 21 June 2011, the Council for the first time adopted economic sanctions against Belarus including an embargo on arms sales and a freeze of assets of three Belarusian companies.

The coalition of those EU member states willing to support targeted economic sanctions then grew with the deteriorating human rights and rule of law situation in Belarus. On 28 February 2012 the Belarusian authorities expelled the Polish and EU ambassador from Minsk. On 17 March 2012 two young men who were accused of bombing the Minsk metro were executed through a shot in the head. The Council, in response, tightened the economic sanctions on 23 March to cover altogether 32 Belarusian companies.

To sum up, coalition building was important for the EU-8's ability to place the EU's response to the crackdown on Belarusian opposition leaders on the EU's foreign policy agenda. However, it remains questionable to what extent it represented a crucial condition for their success in putting the imposition of economic sanctions on the EU's agenda. At the decision-making stage, the building of a coalition including at least two of the 'Big Three' countries was a key source of the CEECs' impact on the Council's decision to impose sanctions against the Belarus. While in January Poland together with Sweden, the Netherlands and Slovakia failed to press the Council to impose economic sanctions against Belarus, they were more successful as soon as they managed to get Germany and France on their side. Coalition building could also account for the Council's smooth decision to reinstate the sanctions and expand the visa ban list. There were broad coalitions of member states on both issues.

In the aftermath of the crackdown on peaceful protestors in December 2010, almost all EU-8 leaders including the Lithuanian Minister of Foreign Affairs Azubalis condemned the repression (for comments see e.g. Marples 2011). Despite their common criticism of the crackdown, they did not team up in order to place the EU's possible response to it on the EU's agenda. Instead, they tried to push individual priorities. The Lithuanian President sent a letter to the European Council President in which she asked to ease the visa requirements for Belarusian (Vaida 2011). Poland was primarily concerned in drafting tougher sanctions.

At the decision-making stage, the EU-8 countries were divided over the form and the extent of the possible sanctions against Belarus. In contrast to Poland, the Czech Republic and the Slovak Republic, the Baltic States had a 'quite pragmatic' approach to further sanctions and heavily opposed the imposition of restrictive measures related to the Belarusian economy (Interview-EU_70). This lack of internal unity could have at least theoretically hampered the CEECs' efforts to shape the Council's decisions on the imposition of sanctions against Belarus according to their preferences. Despite the CEECs' different positions, the Council in June 2011 decided to impose an arms embargo and freeze the assets of three Belarusian companies. On the one hand it could be argued that economic sanctions and targeted measures against selected companies are not quite the same. For this reason some of the CEECs could have been more willing to approve the Council's decision of June 2011. However, on the other hand, the Baltic States were definitely against any kind of economic sanctions including targeted measures against selected Belarusian companies. Despite their different positions the Council decided to freeze the assets of several Belarusian companies and to impose an arms embargo.

To sum up, at the agenda-setting stage all EU-8 condemned the crackdown on the protestors and were in favour of re-enacting the previously imposed sanctions. However, they did not team up in order to put the EU's possible response to the repression on the EU's foreign policy agenda. Instead, Poland and the Czech Republic coordinated their response at the agenda-setting stage with Sweden and Germany. At the decision-making stage the lack of internal unity cannot account for Poland's and the other CEECs' partial success in shaping the Council's decision according to their preferences. Based on the lack of internal unity, one would expect the EU-8 to have had less impact in particular on the Council's decisions of June 2011 and March 2012. Internal unity could theoretically account for the CEECs' impact on the expansion of the visa ban list. As outlined above all of them pushed for an expansion of the visa ban list. However, none of the EU-15 countries apart from Italy opposed the expansion of the visa ban list. It remains questionable to what extent the expansion of the visa ban list can be attributed to the internal unity among the CEECs and not to the big coalition of member states which supported it.

Several of the CEECs including Poland, Latvia, Lithuania and Slovenia attached great importance to the imposition or prevention of sanctions against Belarus for different reasons. Poland shares a common border with Belarus. For this reason, it strongly promotes democracy and the rule of law in its Eastern neighbourhood and particularly in Belarus, not least due its fears that otherwise Belarus 'could become completely ensnared by Russia' (Rettman 2010a). Moreover, it has a significant national minority living in Belarus (around 400,000 Poles). Belarusian authorities have not shied away from cracking down on members of the Union of Poles (UPB). On 15 February 2010, for example, Belarusian police arrested 40 members of the UPB including its chairwoman Andzelika Borys (BelarusDigest 2010; Dempsey 2011). They were only released five days later. For these reasons, Poland has a 'natural' interest in a politically stable and democratic Belarus (Easton 2011: 2; Dempsey 2010).

In addition, the Polish Minister of Foreign Affairs has good personal reasons for the imposition of harsh sanctions against Belarus. As outlined above, he and Westerwelle offered Minsk 3 billion EUR assistance in return for democratic elections (Rettman 2010b; Babayev 2013: 201). However, the elections were accompanied by the most brutal crackdowns on democratic opposition candidates and peaceful protestors ever. Westerwelle and Sikorski 'burned their fingers' and 'since then, Sikorski hates this regime' (Interview-EU_70). Thus, Sikorski had a political and personal interest in hitting Minsk 'as hard as possible' (Rettman 2011a).

In order to impose economic sanctions against Belarus, Poland had no alternative but to push for them in the Council. Any unilateral economic sanctions would have remained ineffective. As a consequence, its bargaining power was quite limited in this regard and it was likely that Warsaw would need to make concessions on the type of the sanctions. However, in the aftermath of the crackdown on democratic opposition Poland unilaterally imposed a visa ban on several leading Belarusian officials (Rettman 2011e). By imposing a visa ban unilaterally Warsaw increased the pressure on other EU member states for adopting respective measures at the EU level.

Latvia, Lithuania and Slovenia had a strong interest in preventing an imposition of economic sanctions due to the repercussions for their economies. Slovenia feared that the inclusion of Iuri Chizh and his company Elite Estate in the visa ban and asset freeze list could jeopardise a 100 million EUR business

contract between Elite Estate and the Slovenian company Riko Group on the construction of a five-star Kempinski hotel in Minsk (Rettman 2012; RFERL 2012a). For this reason, it was ready to prevent the inclusion of Chizh and Elite Estate in the visa ban and asset freeze list at any price.

The imposition of economic sanctions against selected Belarusian companies would also likely hit the economies of the Baltic States hard. Latvia and Lithuania depend on the revenues from the transit of Belarusian cargo. In 2011, 11.4 million tons of Belarusian goods were handled via the Lithuanian port in Klaipeda (15min.LT 2012b: 2). According to Lithuanian business analysts, the cargo turnover at Klaipeda port could drop by 40% as a result of the EU's economic sanctions against Belarusian companies (*ibid.*). Latvia significantly depends on the imports of oil products from Belarus. For this reason, it wanted to prevent the inclusion of Neonafta and Belneftegaz in the asset freeze list (Hyndle-Hussein/Klysinski 2012: 3). Neonafta holds 80% of the shares of Mamas D., a company producing biodiesel in Daugavpils, Latvia (Klysinski 2013: 4). For exporting its products, Neonafta uses the Lithuanian port in Klaipeda. Belneftegaz is a major oil- and chemicals-trading company. The revenues from the transport of Belarusian products through Latvian territory make up more than 50% of the total value of Latvian freight (Giumelli/Ivan 2013: 37).

Due to Slovenia's and Latvia's substantial losses of revenue in case of freeze of these three companies' assets, their room for manoeuvre at the EU level was very limited. It was likely that they would even resort to a veto in order to prevent the inclusion of the three companies in the asset freeze list.

Some of the EU-15 countries had also strong interest in either imposing tough, economic sanctions against Belarus or preventing the imposition of such measures. The German Minister of Foreign Affairs was on the one hand keen to save face and impose harsh sanctions against Belarus. On the other hand, it can be assumed that Germany did not want to jeopardise its trade relations with Belarus accounting for 30.3% of the EU's total exports to the country (Marin 2011: 4). Moreover, it feared that further sanctions could alienate Minsk from the EU. For France, the imposition of economic sanctions would have repercussions for its economy. For this reason, it did not sign the joint letter of Westerwelle and Hague, the British Foreign Secretary, published on 28 January 2011 (Marin 2011: 6). Sweden had a strong interest in ensuring the EU's

credibility. As a traditional supporter of human rights and democratic standards it strongly pushed for the imposition of economic sanctions. Thus, for several 'new' and 'old' EU member states the stakes were high. This can be regarded as one of the possible reasons why Belarus again and again found its way on the agenda of COREPER II and FAC.

At the decision-making stage the salience of this issue provides an explanation for Slovenia and Latvia's choice of instruments (veto) but it does not account why the CEECs' impact on the Council's decisions was initially limited and later on increased. Based on the salience of an issue, Poland's bargaining power with regard to the imposition of economic sanctions was limited. However, it was ready to invest substantial resources in order to secure a particular outcome. Together with other EU member states Warsaw managed to press the Council to impose an arms embargo and freeze the assets of altogether 32 companies.

2.2.3.2 Institutional sources of impact

Institutional conditions such as holding the Council Presidency, coalition building with the Commission and the decision-making rule can account for the extent to which one or a group of member states manages to shape the agenda or a policy outcome according to its/their preferences.

Since the coming into force of the Lisbon Treaty, the role of the Council Presidency is limited in ENP as outlined in chapter 5. It only chairs the COREPER meetings. The imposition of sanctions against Belarus was often subject of discussions at meetings of the FAC which are prepared by COREPER. The Council's first decision of January 2011 was taken under the Hungarian Council Presidency. In July 2011 Poland took over, followed by Denmark.

There is some evidence suggesting that Hungary and Poland used their Council Presidencies to put the imposition of sanctions against Belarus on the EU's foreign policy agenda. As set out above, the EEAS did not have a fully-fledged embassy in Minsk at that time. For this reason the Hungarian Ambassador to Minsk asked on behalf of the EU to meet the political prisoners (Vandecasteele 2012: 6). As admitted by a Hungarian official, his country 'didn't push it hard but we made it very clear that – if the EU would like to keep its

credibility – we have to do this [impose sanctions]’ (quoted in Vandecasteele 2012: 6). Poland used its Council Presidency in order to put the invitation of Belarus to the EaP summit on the agenda of COREPER II (Vandecasteele/Bossuyt/Orbie 2013: 16).

However, at the decision-making stage there is not empirical evidence for a causal relation between the CEECs’ impact on the Council’s decisions to impose sanctions against Belarus and the Hungarian and Polish Council Presidencies.⁷⁵ The Hungarian Minister of Foreign Affairs indicated that the Presidency was willing to support sanctions. However, it did not table a position on that (Vandecasteele 2012: 6). Despite the gravity of human rights and rule of law violations in the aftermath of the presidential elections, it took the Council over one month to agree on the reinstatement of sanctions and the expansion of the visa ban and asset freeze list. Many CEECs including Poland wanted a swift response.

Hungary which held the Council Presidency in June 2011, was less enthusiastic about economic sanctions. Nevertheless, the Council in June 2011 agreed on the imposition of an arms embargo and a freeze of three Belarusian companies’ assets. The sanctions against Belarusian companies were significantly stepped up in March 2012 under the Danish, and not the Polish, Council Presidency. For these reasons it seems unlikely that at the decision-making stage the Hungarian and Polish Council Presidencies account for the CEECs’ impact on the Council’s decisions to impose sanctions against Belarus neither in terms of the type nor timing.

The EU-8’s cooperation with the Commission as well as the EEAS could have played a role for their impact at the agenda-setting stage and to a limited extent at the decision-making stage. In order to put Belarus on the EU’s foreign policy agenda, the EU-8 could have drawn on the support of several nationals who were at that time high-ranking officials in the EP, the Commission and the EEAS. These included Jerzy Buzek, the then president of the EP, the Commissioner for ENP, Stefan Füle, and Miroslav Lajcak, the then managing director for Russia and the Eastern Neighbourhood in the EEAS and former Slovak Minister of Foreign Affairs. Based on the nationality of Stefan Füle one could assume that he would like the Czech Republic at least be willing to

⁷⁵ See for this also Vandecasteele/Bossuyt/Orbie 2013. They came to the conclusion that the Polish Council Presidency had no impact on the EU’s policy towards Belarus, neither at the agenda-setting stage nor at the decision-taking stage (2013: 17).

support targeted economic sanctions against Belarusian companies. While Füle on several occasions announced that the EU was ready to expand the visa ban list, he always underlined that it 'won't impose economic sanctions' against Belarus (Füle quoted in Telegraf 2011). The Union's High Representative Ashton, similar to Füle, was also 'reluctant to move any further' than the expansion of the visa ban list (diplomat quoted in Jozwiak 2011c). Lajcak, in contrast, supported the imposition of the economic sanctions (Jozwiak 2011d). Indeed, there is evidence suggesting that some EU-8 countries such as the Slovak Republic also tried to work through the EEAS in order to promote the discussion on the economic sanctions. In March 2011, the Slovak Minister of Foreign Affairs sent a letter to the Union's High Representative in which he urged the EU to step up the sanctions against Belarus (The Economist 2011).

Thus, at the agenda-setting stage it cannot be denied that the EU-8 countries were supported by several high-ranking officials from the EEAS and Commission in order to place Belarus high on the EU's foreign policy agenda. At the decision-making stage, coalition building with the Commission cannot account for their impact on the Council's decision to impose an embargo on arms sales and to freeze the assets of 32 companies. They could have received support from the EEAS as outlined above. However, it is unlikely that this support alone would have been sufficient to get the Council to impose an arms embargo and freeze the assets of Belarusian companies against the opposition from large 'old' EU member states.

A further institutional source of member states' impact concerns the voting rule. The imposition of restrictive measures against a third country requires unanimity in the Council. At the agenda-setting stage the voting rule played no role. However, at the decision-making stage the need for unanimity enabled Slovenia and Latvia to successfully threaten to veto the imposition of sanctions if the Council did not take the three Belarusian companies off the asset freeze list. Thus, by threatening to use their veto, Slovenia and Latvia as two small states were able to significantly punch above their weight. If the imposition of these sanctions had only required the qualified majority of the Council, these two countries would have not managed to press the Council into sparing these three companies from the asset freeze list. While in this particular case the voting rule accounts for Slovenia and Latvia's impact on the Council's decision to take the three Belarusian companies off the asset freeze list, it

cannot explain why several of the CEECs succeeded in urging the Council to adopt the embargo on arms sales and to freeze the assets of 32 other Belarusian companies.

2.2.3.3 Ideational sources of impact

Ideational sources of member states' impact such as framing and persuasive arguing can explain in particular why small states despite their structural constraints sometimes succeed in shaping a policy outcome according to their preferences.

Member states will likely persuade other EU member states of particular measures if they have regional expertise and appear to be credible. Poland and Lithuania have on several occasions portrayed themselves as experts on the EU's Eastern neighbourhood and in particular on Belarus (Easton 2011). They have 'the most mature policy on Belarus' (Interview-EU_70). This expertise has turned out to be of particular importance for the EU-8's impact at the agenda-setting stage. As argued by an official, the EU-15 'would always listen to what Poland, Lithuania and Slovakia have to say on Belarus. There is no mistrust on that' (Interview-EU_70). Due to their strong presence in Belarus, their information about the human rights situation in Belarus was regarded as reliable (Interview-OMS_67). Other 'old' EU member states considered in particular Poland, Lithuania and the Slovak Republic as really having made an assessment before suggesting respective measures. Their presence in Minsk gave their proposals on the EU's policy towards Belarus more authority and credibility. When the discussions on the imposition of sanctions against Belarus took place in the Council in spring 2011, these member states 'knew that the Belarusian authorities did nothing to improve the situation' on the ground (Interview-OMS_73).

On the other hand other member states started to increasingly question Poland's expertise on Belarus as the Polish-German initiative of November 2010 offering Lukashenko financial assistance for democratic elections backfired (Interview-EU_70).⁷⁶ Moreover, Sikorski's approach towards Belarus appeared increasingly incoherent (*ibid.*). While in 2008 he was the staunchest

⁷⁶ See for this also the comments made by the former Polish Prime Minister Jaroslaw Kaczynski (2011a) as well as the policy analyst Konstanty Gebert quoted, in Easton 2011.

advocate of a temporary suspension of sanctions despite the lack of any democratic progress, in January 2011 he was the most adamant supporter of tough and economic sanctions against Belarus. As a consequence, his call for economic sanctions in January 2011 was not perceived as '100% sincere' but also personally motivated (Interview-EU_70). In addition, his decision to press ahead unilaterally and impose visa bans on Belarusian officials without waiting for the EU's response was regarded as contradicting EU norms (Dempsey 2011).

At the decision-making stage several arguments were presented in favour and against the imposition of sanctions. In general, the EU's decisions to expand the visa ban have become subject to increasing legal scrutiny. In several cases the EU's decisions on the inclusion of individual persons in the visa ban list were challenged before the ECJ and had to be revised (Interviews-OMS_76 and OMS_67). While the deteriorating human rights and rule of law situation on the ground played into the hands of the advocates of harsher sanctions against Belarus, the opponents of such measures including Italy, Latvia and Slovenia argued that sanctions have 'never been effective' and would also affect the ordinary citizens of Belarus (Rettman 2011c; Naviny 2012). This argument did not appear credible in the case of Slovenia and Latvia, as it seemed only to conceal their true motivations.

Despite the legal reservations about a significant expansion of the visa ban and asset freeze list, the Council decided to ban altogether 243 Belarusian officials, politicians and businessmen from entering the EU and freeze the assets of 32 Belarusian companies. The deteriorating human rights and rule of law situation on the ground including the brutal crackdown on peaceful opposition members in March 2011 and the conviction of Andrei Sannikow in May 2011 increased the pressure on the Council to impose further sanctions. These and other events such as the expulsion of the EU and Polish ambassadors from Belarus in February 2012 and the execution of Kovalyov and Konovalov in March 2012, who were accused of having organised the metro bombings in Minsk in April 2011 made it easier for the CEECs to keep the tightening of sanctions against Belarus high on the Council's agenda. In response to every major incident, the Council imposed further sanctions against Belarus. However, at the decision-making stage it cannot explain why the CEECs had only limited impact on the Council's first decision of January 2011

despite the violent repression of peaceful political activists in the aftermath of the presidential elections and more impact on the Council's subsequent decisions. In addition, the worsening situation on the ground cannot account for the particular type of sanctions the Council decided to impose.

To sum up, ideational sources of impact explain why several of the CEECs such as Poland, Lithuania and Slovakia succeeded in setting the Council's agenda with regard to Belarus. Due to their regional expertise they represented an important and credible source of information about the respective human rights and rule of law situation in the country. The information served as a basis for the subsequent Council discussions on the EU's possible response. Ideational sources of impact however cannot account for the variation in the CEECs' impact on the Council's decisions to impose sanctions against Belarus.

3. The CEECs' impact on the instruments of ENP

This section identifies and evaluates the CEECs' impact on the instruments of ENP. It focuses on the EU-8's attempts to speed up the negotiations on visa facilitation agreements with several Eastern ENP countries as well as their impact on a stronger implementation of conditionality in the new ENI regulation. As demonstrated in chapter 5 these are two aspects on which the views of the EU-15 and the EU-8 significantly differ and which touch upon core interests of the CEECs. The analysis of the EU-8's impact on the implementation of the 'more for more' and 'less for less' approach in the new ENI regulation is integrated in this section as a case study. Its purpose is not only to evaluate the EU-8's impact but also to explain why the CEECs' impact has been stronger on some provisions of the PGA than on others.

3.1 The CEECs' attempts to speed up the negotiations on visa facilitation with the Eastern ENP countries

The CEECs attach great importance to the facilitation and liberalisation of the EU visa requirements for the Eastern ENP partners. Visa-free travel represents one 'of the core objectives of the Eastern Partnership' (Confidential-MS_17: 3). However, there are certain subtle nuances in the CEECs' preferences with regard to the pace, timing and the conditions under which the EU should ease

and lift the visa requirements for its Eastern neighbours as outlined in chapter 5 (Interviews-NMS_39 and NMS_45).⁷⁷ Despite these subtle nuances, in the Council negotiations the CEECs have not only pushed for a more encouraging and ‘forthcoming wording’ on the visa facilitation and liberalisation perspective for the Eastern ENP countries by referring to concrete dates for the start or conclusion of visa facilitation agreements and visa liberalisation dialogues but have also tried to speed up the negotiation process itself by sending letters (Interview-NMS_40). Moreover, Poland has continuously promoted the principle of ‘regional coherence’ linking the progress on visa liberalisation with Russia to progress on visa liberalisation with the Eastern ENP partners (Interview-NMS_52 and EU_49). The principle of ‘regional coherence’ implies that whatever the EU offers to Russia in terms of visa facilitation and liberalisation it has also to offer to the Eastern ENP partners. The negotiations on visa liberalisation with Russia and the Eastern ENP partners need to progress on ‘equal terms’ (Interview-NMS_52).

There are several concrete examples of the CEECs’ impact on the wording used to signal a more forthcoming and encouraging visa liberalisation perspective for the Eastern neighbourhood countries in ENP-related EU documents. Before the set-up of the Eastern Partnership, ENP-related documents referred to the ‘full visa liberalisation as a long term goal’ for the individual Eastern ENP countries (Council 2009c: 7).⁷⁸ The main achievement of the CEECs includes the change in the wording on the establishment of a visa-free regime for the Eastern ENP partners from ‘*long term* goal’ or ‘perspective’ to ‘in *due* course’ (Council 2011e: 3, emphasis added). This change was induced by the CEECs for the first time in the EaP Summit Declaration of September 2011. It is regarded as a ‘symbolic victory’ and ‘success’ of the CEECs (Interview-NMS_54 and EU_62). The CEECs actively pushed for the inclusion of this wording in order to speed up the process towards full visa liberalisation and encourage their Eastern neighbours to implement necessary reforms. As officials from a CEEC have argued, the reference to ‘in due course’ means that as soon as the Eastern neighbours

⁷⁷ This can be seen from the various statements issued by the Visegrád Group or by the Visegrád Group in conjunction with the Baltic countries. Despite the great importance Poland and the Baltic countries attach to the smooth and speedy process towards full visa liberalisation for the Eastern ENP countries, there is usually a reference to a step-by-step approach and the relevant technical criteria which need to be met by the Eastern ENP countries.

⁷⁸ See, also, for example, Commission 2009: 4 and Council 2008c: 3.

meet the relevant conditions, 'next steps can be taken' (Interview-NMS_46). An alternative and more encouraging formulation on the visa liberalisation perspective for the Eastern ENP partners in line with the CEECs' preferences represents the reference to a start of visa liberalisation dialogues 'shortly' (Commission and EEAS 2012a: 7) or 'as soon as appropriate' (Council 2010e: 3).

In addition, the CEECs have also lobbied for a reference to a concrete date or time line for these next steps on visa liberalisation to be included in Council conclusions and other relevant ENP-related EU documents. The Conclusions of the EU-Moldova Cooperation Council of December 2009, for example, note that the EU and Moldova will 'strive' to start a visa liberalisation dialogue 'in 2010' (Council 2009b: 2; emphasis added). The Eastern Partnership Roadmap refers to a possible start of the visa liberalisation dialogue with Georgia 'before summer 2012' (Commission and EEAS 2012b: 18; emphasis added).⁷⁹ The references to these dates or time lines have been included at the insistence of the CEECs (Interview-NMS_38 and NMS_40). In particular the reference to the possible start of a visa liberalisation dialogue with Georgia was hard-won by the CEECs (*ibid.*). Within the framework of a FAC meeting on 14 November 2011 Poland, Hungary, the Czech Republic, Lithuania, Latvia, Estonia, Bulgaria and Romania forwarded a joint letter to the Union's High Representative, the EU Commissioner for Trade and the EU Commissioner for Home Affairs in which they asked for the start of a visa liberalisation dialogue with Georgia already in the first months of 2012. The joint letter was initiated by Lithuania (Novisa 2011). Since its first inclusion in the EaP Summit Declaration of September 2011, the reference 'in due course' has become 'agreed language' and can be found in many ENP- or EaP-related EU documents including soft law instruments as well as legislative acts such as the EU's AAs with Ukraine, Moldova and Georgia.⁸⁰

The EU-8's efforts to speed up the negotiation process on visa facilitation were not only limited to words but involved also concrete actions. During its Council Presidency in 2011, Poland urged the Commission to recommend the opening of negotiations on visa facilitation agreements with Armenia and

⁷⁹ For further examples, see Council 2008c: 6 and Council 2013a: 2.

⁸⁰ See, for example, Council 2012c: 23; Council 2012e: 3; Council 2012d: 1; EaP Summit Declaration Council 2011e: 4; Council 2011g: 2; European Commission and EEAS 2012c: 10; Council 2011h: 8; Council 2013e: 3 and Council 2013d: 3.

Azerbaijan (Vandecasteele/Bossuyt/Orbie 2013: 13). Shortly after the Commission's proposal, the Polish Ambassador to the EU addressed the adoption of respective mandates in COREPER II which resulted in their approval already in December 2011 and not in 2012 as originally envisaged (*ibid.*). Jan Tombinski succeeded in getting the consent of several EU-15 countries which are usually sceptical about the easing of visa requirements for the Eastern ENP countries.

The CEECs have also continuously tried to achieve visa facilitation for Belarusian citizens at the EU level. On 6 January 2011, the Lithuanian President Dalia Grybauskaite sent a letter to the President of the European Council Herman Van Rompuy and Commission President Barroso pointing to the necessity of facilitating travelling for Belarusians to the EU (Rettman 2011b). The Lithuanian President asked Van Rompuy and Barroso 'to search for measures that would ease, as soon as possible, the movement' of Belarusians to the EU (Grybauskaite quoted in Rettman 2011b, emphasis added). This attempt by the Lithuanian government can be regarded as successful as the subsequent Council conclusions of 31 January 2011 include a first reference 'to the start of negotiations for visa facilitation and readmission agreements with Belarus' (Council 2011d: 2). Despite the formal adoption of negotiation directives on 28 February 2011, the negotiations could not be started yet as the Belarusian government has refused to reply to the EU's offer. In the meantime, the CEECs have pushed within the Council for an agreement on a unilateral visa facilitation for Belarus, so far without tangible success. Several Council conclusions only indicate that the Council would 'welcome the possibilities to explore ways to further reduce visa fees for Belarusian citizens' (see e.g. Council 2012i: 2).

The third important contribution the CEECs have made to the EU's visa policy towards the Eastern ENP partners concerns the introduction of the principle of 'regional coherence' not only in Council conclusions but also in EU practice. The CEECs have tried, for example, to use the EU's decision to start negotiations on visa liberalisation with Russia for enhancing the EU's visa policy towards the Eastern ENP partners. The principle of 'regional coherence' has also been included in several Council conclusions (see e.g. Council 2010e: 4).

To sum up, the examples outlined above have demonstrated that the CEECs have had considerable impact on the pace of the EU's negotiations on

visa facilitation with the Eastern ENP partners. This impact was not only limited to soft law instruments but also concerned legislative acts. Moreover, it had tangible implications for the implementation of ENP. As an EU official noted, the CEECs have played a decisive role in the EU's decisions to establish a visa free regime with the Eastern ENP partners and 'pushed forward the visa facilitation process and the visa dialogues' with these countries (Interview-EU_49). While not all EU-15 countries were enthusiastic about the accelerated procedure, they were not fundamentally against it, not least due the importance of Azerbaijan as an energy supplier. Moreover Poland could use its Council Presidency for moving the issue up the EU's ENP agenda.

3.2 'More for more' and 'less for less'? The EU-8's impact on the thorny issue of conditionality in the new ENI regulation

In July 2010 the EEAS and the EU Commissioner for Neighbourhood Policy Stefan Füle initiated a consultation with member state representatives on the strategic review of the European Neighbourhood. In their joint letter addressed to the member states' and ENP countries' Ministers of Foreign Affairs, Ashton and Füle asked three questions. First, they wanted to learn member states' opinion about the 'vision for the ENP' in the next 10-15 years (Füle 2010: 1). Second, they wanted to know 'what should be the medium-term objectives' to be pursued within the framework of ENP? Finally, they wanted to hear member states' view on what instruments and resources would be needed to achieve these objectives (Füle 2010; Confidential-EU_10: 1; Longhurst 2011: 4).

A few months later on 17 December 2010, when this consultation was still ongoing, a twenty-six year old man in Tunisia set himself on fire and triggered off a wave of uprisings and revolutions in the Arab world that became known as the 'Arab Spring'. The developments in North Africa not only demonstrated the ineffectiveness of the EU's hitherto existing instruments to support major political transformations in its neighbourhood but also its 'inability to react swiftly and decisively' to such fundamental changes in its neighbouring countries (Kostanyan/Nasieniak 2012: 1).

Both developments led to a fundamental revision of the ENP and its instruments. One of the cornerstones of the revised ENP represents the so-called 'more for more' approach first presented in the Commission communication of March 2011 (Stroetges 2013: 4; Tömmel 2013: 2). The 'more

for more' approach 'is an **incentive-based approach** based on more differentiation' stipulating that 'those [ENP partners] that go further and faster with reforms will be able to count on greater support from the EU' (Commission and EEAS 2011a: 5, emphasis in the original). EU assistance will be reconsidered for those ENP countries that do not make sufficient progress in implementing agreed reforms or even regress (the so-called 'less for less approach'). The Commission further specified its 'more for more' approach in its May 2011 Communication by stating that EU support to the ENP partners 'will depend on progress in building and consolidating democracy and the rule of law' (Commission and EEAS 2011b: 3). EU support not only refers to more financial assistance but also to an increased access to the EU's market based on DCFTAs and facilitated travelling for citizens from the ENP countries to the EU.⁸¹ The EU explicitly demands that ENP partners implement reforms leading to 'deep and sustainable democracy' including amongst others 'free and fair elections; freedom of association [...]; the rule of law' and 'fighting against corruption' (*ibid.*).

The 'more for more' and 'less for less' approach not only represents 'the most spectacular innovation' of the new ENP but has also been subject to fierce debates among EU member states within the framework of the negotiations on the new ENI regulation governing the EU's financial assistance to neighbourhood countries for the period 2014 to 2020 (Tömmel 2013: 2). While the CEECs were not the only EU member states which strongly supported the inclusion of the 'more for more' in the new ENI regulation, they 'were disproportionately vocal' in these discussions (Interview-EU_75). They 'pushed hard for the 'more for more' (Interview-OMS_67) and were 'particularly concerned about providing a detailed prescription on democratic values' (Interview-EU_75).

The following section analyses to what extent the CEECs have managed to push through their preferences with regard to four core provisions of the new ENI regulation including a) Article 4 (1) on the general criteria for the baseline allocations, b) Article 4 (2) on the criteria for the incentive-based approach, c) the provision on reducing assistance if an ENP partner fails to make sufficient progress in implementing reforms and d) Article 7 (2) and 7 (6) on the shares of

⁸¹ The benefits promised by the EU refer to the so-called 'three Ms', money, market and mobility (Füle 2012: 2-3).

performance-based assistance in multiannual programmes for the individual countries and regions. Moreover, it aims to explain why the CEECs' impact varied from provision to provision.

The analysis is limited to the negotiations on the Partial General Approach (PGA) and the trialogues which took place until the first half of 2013.⁸² The PGA represents the Council position before entering into the tripartite negotiations on the new ENI regulation with the European Parliament and the Council. It was adopted in June 2012. The PGA provisions analysed in this section were included with almost exactly the same wording in the new ENI regulation.

3.2.1 The CEECs' preferences with regard to the criteria, the share of performance-based assistance and the cut of ENI assistance

The CEECs are big proponents of the 'more for more' approach. For them 'it is important to have the possibility to award the best performers, those [ENP partners] which make good progress' (Interview-OMS_67). The implementation of the 'more for more' principle in the new ENI regulation depends not only on the share of the incentive-based assistance but also on the criteria for the baseline allocations to a country (Art. 4 (1)) and the criteria for the performance-based assistance to individual countries (Art. 4 (2) Confidential-EU_16). With regard to the criteria for both most of the CEECs including Poland, the Czech Republic, Slovakia and the Baltic States were in favour of putting progress in reforms as the first criterion. Lithuania, for example, argued that 'reforms should come first' and other criteria such as 'the size of the population' or 'needs' should be either neglected or at least not be the main criterion (Interview-NMS_46). Poland was also in favour of putting reforms as the first and main criterion referring not only to political but also to economic and social reforms (Interview-NMS_52). Similar to Lithuania, Warsaw was sceptical about including needs as the main criterion. Latvia also argued in favour of reforms as the main criterion for the baseline allocations as well as the incentive-based assistance and was sceptical about needs and the size of the population (Interview-NMS_45).

⁸² In the period from October 2012 to July 2013 5 trialogue meetings had taken place: the first one was on 17 October 2012, the second took place on 15 November 2012, the third trialogue was on 6 December 2012, the fourth on 24 January 2013 and the fifth on 5 July 2013 (Interview-EU_71).

With regard to the provision on the reduction or reallocation of assistance if an ENP partner does not make sufficient progress in implementing reforms, the CEECs were divided with some supporting the 'less for less' principle and others opposing an explicit provision on the cut in assistance. The Czech Republic advocated a provision on the 'less for less' and was later on joined by Poland. However, they were not among the extreme supporters of it (Interview-OMS_76). Other CEECs such as Lithuania and Estonia were initially against a reference to a possible cut of ENI funds. Lithuania underlined that it was important to remain 'cautious with regard to the punishment of partners in case of regress' (Interview-NMS_46). Lithuania and Estonia feared that as a consequence of the implementation of the 'less for less' approach some Eastern ENP partners such as Ukraine or Belarus could lose out (Interview-OMS_76).

One of the original contributions of member states to the implementation of the 'more for more' approach in the new ENI regulation involved the introduction of percentages for the share of incentive-based assistance in the multiannual country programmes as well as the top-up for the multi-country programmes. The ranges provide for more flexibility in the multiannual allocations to individual ENP partners. The CEECs were advocates of a 'substantial' percentage of multiannual assistance to be disbursed on the basis of the partner country's progress in implementing reforms and promoting deep and sustainable democracy (Interviews-EU_63, NMS_46 and NMS_52). Some CEECs even suggested that all multiannual assistance to the individual ENP partners should be allocated on the basis of reform progress and success in promoting deep and sustainable democracy (Interview-EU_71). Others wanted 50% of the multiannual assistance to be disbursed on the basis of the incentive based approach (Interview-EU_63). 30% for the ranges related to the multiannual country programmes represented the bottom line for most CEECs (Interview-EU_65).

At least equally important for the CEECs was the percentage of the top-up to the regional programmes. Several of the CEECs including Poland, the Czech Republic, Latvia and Lithuania were particularly vocal on that and wanted at least 20% of the ENI budget to be disbursed as a top-up to the regional programmes (Interviews-OMS_47 and NMS_45).

3.2.2 What the CEECs achieved

The provisions on the implementation of the ‘more for more’ and ‘less for less’ approach as included in the PGA and, later on the new ENI regulation do not represent the achievements of the CEECs only but are the result of negotiations in the Council involving all EU member states. However, as already outlined above Poland, the Czech Republic and the Baltic States have been particularly active and vocal in the negotiations on them.

The ‘more for more’ and ‘less for less’ approach was already on the EU’s ENP agenda when the negotiations on the new ENI regulation started. This can be partially attributed to member states’ responses to the consultation on the strategic review of ENP (see chapter 5). Already at that time many CEECs and some EU-15 countries called for a stronger linking of funds to the partner countries’ progress in implementing political reforms. However, many EU member states including the CEECs regarded the provisions on the implementation of the incentive-based approach in the Commission’s ENI proposal of December 2011 as insufficient. Several CEECs including the Czech Republic, Slovakia and Lithuania together with some EU-15 countries circulated a non-paper in March 2012 in which they called for ‘greater flexibility in the way allocations are made’ (Confidential-MS_8: 1). By this they contributed to the opening of the debate on the introduction of ranges at the agenda-setting stage.

At the decision-making stage the EU-8 partially managed to push their preferences through. With regard to the criteria for the baseline allocations, Article 4 (1) of the PGA referred to first ‘needs, using indicators such as population and level of development’, followed by ‘commitment to and progress in implementing agreed political, economic and social reform objectives’ and third ‘commitment to and progress in building deep and sustainable democracy’ (Confidential-EU_16: 12). These criteria are also included in the new ENI regulation in the same order (European Parliament and Council 2014a: Art. 4 (1) (a)(b)). They represent a compromise to the benefit of the ‘Club Med’ countries as the CEECs supported by some EU-15 countries wanted an ENP country’s ‘progress in implementing agreed political, economic and social’ reforms to be listed as the first criterion (Interviews-NMS_52, NMS_46 and EU_65). However, formally the criteria are not hierarchic (Interview-EU_71).

This concession by the CEECs is partially compensated by the criteria for the allocation of the incentive-based assistance as included in Article 4 (2) of the PGA listing ‘progress in building deep and sustainable democracy and in implementing agreed reforms objectives’ as the main criterion (Confidential-EU_16: 12). These criteria were in a very similar form included in the new ENI regulation referring to ‘progress in building and consolidating deep and sustainable democracy’ and implementing ‘political, economic and social reform objectives’ but without referring to needs (European Parliament and Council 2014a: Art. 14 (2)).

The PGA provision on the implementation of the ‘less for less’ approach stated that EU ‘support may be reconsidered, [...], in the event of serious or persistent regression in these areas’ (Confidential-EU_16: 12, emphasis added). This provision was also included in the new ENI regulation (European Parliament and Council 2014a: Art. 4 (2)). It can be regarded as an achievement of those EU member states in favour of the ‘less for less’ including some CEECs such as the Czech Republic, Poland and Estonia. The discussion in the Council focused on the question as to how strong the language should be on the ‘less for less’ (Interview-EU_63). Member states had the choice between the words ‘may’, ‘will’ and ‘shall’ (Interview-OMS_76). While the hardliners were in favour of a strong wording by either using ‘will’ or ‘shall’, it can be assumed that the CEECs were also satisfied with a reference to ‘may’ representing the weakest wording.

In terms of the shares of performance-based assistance, the PGA stipulated that funds would be allocated to the multiannual country programmes ‘in the form of a range with a variance of not more than 20%’ and to the umbrella programmes ‘in the range of 10% of the ENI budget’ (Confidential-EU_16: 16, emphasis added). The same percentages and wording were included in the new ENI regulation (European Parliament and Council 2014a: Art. 7 (1) (d) and (6)). The provisions on the percentages of the incentive-based assistance for the multiannual country programmes (Art. 7 (2)) and the top-up for the multi-country umbrella programmes (Art. 7 (6)) represent a partial success for the advocates of a strict implementation of the ‘more for more’ approach including the CEECs. With regard to the percentages of the performance-based assistance for the multiannual country programmes, the hardliners of the ‘more for more’ approach started from 30%.

The 'Club Med' countries wanted percentages in a range of 5 up to a maximum of 10% (Interview-EU_65). The discussion also revolved around the question of the concrete wording, whether it should state 'in a range of 20%', 'not more than 20%' or 'up to 20%' (Interview-EU_72).⁸³ For this reason, the final provision referring to 'of not more than 20%' can be regarded as an achievement of the CEECs and the other advocates of the 'more for more' approach. With regard to the top-up, the CEECs started from 20%. The top-up represented for Poland and the Baltic States the most important tool for implementing the 'more for more' as it will be devoted to the regional programmes such as the EaP. The 'Club Med' countries initially did not want any percentages for the top-up and later on supported only 5% (Interview-OMS_47). The final provision referring to 'in a range of 10% of the ENI budget' represents a compromise – at first sight – to the slight advantage of the 'Club Med' countries. However, the wording 'of 10%' does not allow for any flexibility in this regard. Thus, if the EaP countries benefit from the top-up, they will definitely receive 10% more of the total ENI budget and not less. In conclusion, the outcome can be regarded as quite balanced but supporting a strong implementation of the 'more for more' approach (Interview-OMS_76).

The provisions as included in the PGA and new ENI regulation represent a significant departure from the previous ENPI regulation for the period 2007 to 2013. The former ENPI regulation offered little flexibility in the allocation of ENPI funds and limited possibilities for the implementation of conditionality. The assistance was programmed for seven years and could be hardly re-allocated in case of a part country's regress in implementing reform objectives. Apart from Art. 28 on the suspension of allocation, there were no provisions on the implementation of an incentive-based approach and no ranges in the previous ENI regulation. The allocation was based on a country's needs, ambition as well as 'progress towards implementing agreed reform objectives including on governance and on reforms' without specifying concretely which ones (European Parliament and Council 2006b: Art. 7 (2)).

The PGA 'for the first time' included a separate additional provision on the reduction of ENI assistance in case of a partner country's regress in implementing reforms (Interview-OMS_67). Although the provision is weak, it

⁸³ This difference is important. 'In a range of 20%' would mean either 20% or nothing. 'Not more than 20%' or 'up to 20%' would allow for greater flexibility.

represents a significant achievement of those member states in favour of it including several CEECs (European Parliament and Council 2014a: Art. 4 (2)). As admitted by a representative from an EU-15 country ‘for the EU’s thinking it’s very revolutionary’ (Interview-OMS_67). Moreover, the Commission has to take into account not only of needs but also the partner country’s ‘progress in implementing mutually agreed political, economic and social’ reforms and ‘building deep and sustainable democracy’ when allocating ENI funds (European Parliament and Council 2014a: Art. 4 (1) (a)(b)). In addition, Article 4 (2) on the criteria of performance based assistance ‘ties the Commission to look on new indicators for allocating aid. This has never happened before’ (Interview-OMS_67). It is ‘truly new’ and ‘could work as a very strong incentive’ (Interview-OMS_73).

These provisions will have implications for the division of ENI funds. 10% of the ENI budget as envisaged in Article 7 (6) of the new ENI regulation is more than the current assistance provided under EaPIC for the Eastern neighbours but less than the share of assistance currently provided under SPRING (Confidential-EU_15: 1).⁸⁴ Thus, in future, the Eastern ENP countries will be able to draw on a higher share of regional ENI funds than before in line with the CEECs’ preferences.

While the variance amounting to 20% as stipulated in Article 7 (2) does not seem to be particularly high⁸⁵, one has to take into account the possible cumulative effects if an ENP country manages to benefit from both the ranges and the top-up within the framework of the umbrella programmes. Moreover, for countries with large allocations, 20% represents a significant amount in particular when combined with increased allocations on the basis of a top-up within the framework of the umbrella programmes (Confidential-EU_15: 3).

3.2.3 Explaining the CEECs’ impact

What accounts for the CEECs’ partial success in shaping the provisions on the implementation of the ‘more for more’ and ‘less for less’ approach in the new ENI regulation according to their preferences? This section analyses to what

⁸⁴ EaPIC funds for the period 2011 to 2013 amounted to 8% of the bilateral ENPI funds for the Eastern ENP countries while the funds for SPRING amounted to 16% of the total ENPI allocations for the Southern ENP countries (Confidential-EU_15: 1).

⁸⁵ A country can at worst receive 90% instead of 100% of the bilateral ENI funds if the range is applied downwards, and best 110% instead of 100% if it performs well (Interview-EU_51).

extent material, institutional and ideational sources account for the CEECs' partial impact on the provisions of the PGA and subsequent new ENI regulation.

3.2.3.1 Material sources of impact

Coalition building played a key role in the negotiations on the PGA and the new ENI regulation. Already within the framework of the consultation procedure on the strategic review of ENP, different groups of member states could be identified, those in favour of a strict application of conditionality and those in favour of the keeping the provisions on conditionality as they were in the former ENPI regulation (see also chapter 5). While most EU-8 countries called for a stronger linking between the allocation of ENI assistance and partner countries' reform progress, they did not team up with each other. Instead, in response to the consultation procedure, Poland sent a letter together with Sweden and Estonia provided a joint response together with Finland (Confidential-MS_12; Confidential-MS_29).

The publication of the Commission's proposal for the new ENI regulation in December 2011 signalled the opening of discussions on the implementation of the 'more for more' approach at the agenda-setting stage. Those member states in favour of a stricter implementation were not satisfied with the Commission's proposal and tried to lobby for provisions related to the criteria and shares of performance-based assistance. The Czech Republic, Lithuania and Slovakia allied with several 'old' EU member states including Denmark, Finland, Germany, the Netherlands and the UK and circulated a non-paper with their proposals for the implementation of the 'more for more' in practice. In the paper of March 2012 they called for a stronger link between the allocation of ENI funds and reform performance of the ENP countries as well as the possibility to re-allocate assistance (Confidential-MS_8).

At the decision-making stage EU member states formed three groups. One group consisted of the traditional supporters of a strict application of conditionality including the Nordic countries and the CEECs as well as countries such as Germany, the UK and Netherlands. The other group comprised the traditional opponents of a stricter application of conditionality including France, Italy, Spain, Portugal, Greece, Cyprus and Malta, the so-called 'Club Med' countries. Among the supporters of a stricter conditionality was a sub-group

comprising those EU member states advocating also the 'less for less' approach including initially Sweden, Germany and the Netherlands and later on also the Czech Republic and Poland (Interview-EU_46). In the run-up to the COREPER II meeting on 20 June, this group sent a letter to Füle and Ashton in which they argued in favour of strong provisions on the implementation of the 'more for more' and 'less for less' approach (Confidential-MS_19: 2).

While the CEECs have always promoted the application of stricter conditionality, they did so in the negotiations on the new ENI regulation for different reasons than did the Nordic countries and Germany or the Netherlands. Germany and the Netherlands wanted first and foremost the ENPI assistance to become more effective taking account of the value for money. Nordic countries are traditional advocates of a stricter application of conditionality due to the generally strong role of human rights and democracy in their foreign policies. The CEECs were in favour of a strong implementation of the 'more for more' approach due to their foreign policies' traditionally strong focus on human rights and democracy and also in order to promote necessary reforms in the Eastern ENP countries with the long-term objective of preparing some of them for an eventual accession to the EU (Interview-EU_55). All these member states were in favour of a strong implementation of the 'more for more' approach in the new ENI regulation, which was the precondition for building a powerful coalition at the decision-making stage.

These countries had also similar views on the main criteria for the baseline allocations and the allocation of performance-based assistance. The Nordic countries advocated progress in building democracy and progress in implementing democratic or political reforms to become the first two criteria for the baseline allocations and the allocation of performance-based assistance. The BeNeLux countries had a strong focus on 'progress toward democracy' and were in favour of a 'systematic inclusion of human rights criteria' in the allocation of ENI funds (Confidential-OMS_20: 1). The CEECs were in favour of listing progress in implementing political and also social and economic reforms as the main criterion for the baseline allocations and the incentive-based assistance followed by progress in building democracy. The Nordic countries and the CEECs received support in this regard from Germany, the Netherlands and the UK, which also prioritised these two criteria above other criteria such as needs or the size of the population. Thus, despite the subtle nuances all these

countries favoured progress in implementing reforms and building democracy as the main criteria for the baseline allocations and the incentive-based assistance. Due to their similar preferences they could agree on a common denominator and build a powerful coalition without making too big concessions compared to their original preferences.

The same member states also managed to agree on a common position concerning the size of the ranges for annual country allocations as well as the umbrella programmes. Originally some of the Nordic countries and CEECs wanted all the bilateral assistance to be disbursed on the basis of 'more for more'. Other countries such as Germany originally wanted 50% of the bilateral ENP funds to be allocated on the basis of reform progress. Due to practical considerations, these countries agreed on 30% as a range for the annual country allocations and 20% of the ENI budget as a range for the umbrella programmes. The coalition on the ranges was almost as strong as the one on the implementation of the 'more for more' approach involving the Netherlands, Sweden, the UK, Germany, the Slovak Republic, Poland, Latvia and the Czech Republic. The group received support from Belgium, Austria, Lithuania, Estonia, Finland and Belgium (Confidential-MS_21).

The coalition seemed weaker with regard to the provision on the implementation of the 'less for less' approach. Originally only Germany, Sweden, the Netherlands and to a certain extent the Czech Republic were in favour of including also a strong provision on the cut of assistance in the case of a neighbourhood country's regress (Interview-OMS_47). Later these member states were joined by Poland and then by Estonia. Other CEECs such as Lithuania were rather cautious with regard to the 'less for less'. Thus, the coalition advocating a strong provision on the implementation of the 'less for less' approach was significantly smaller compared to the one in favour of the 'more for more' approach (Interview-EU_75).

These three groups of member states merged into two in the tripartite negotiations on the new ENI regulation from October 2012 onwards. At the end of April 2013 the Slovak Republic, the Czech Republic, Poland, Latvia together with the Netherlands, Sweden, Germany and the UK sent a letter to Ashton and Füle in which they underlined the need to keep the percentages in the multiannual country and regional programmes (Confidential-MS_21: 2). They

received support for their demands from Bulgaria, Austria, Lithuania, Estonia, Finland and Belgium (*ibid.*).

To sum up, the CEECs were able to draw on the support of a big coalition including two of the 'Big Three' when trying to shape the provisions of the new ENI regulation according to their preferences.

The advocates of a strong implementation of the 'more for more' and 'less for less' approach including the CEECs had to compete against an equally strong group of member states which opposed a strict application of conditionality including France, Spain, Italy, Portugal, Greece, Cyprus and Malta (Interview-EU_68). With regard to the criteria for the baseline allocations as well as the allocation of performance-based assistance, the 'Club Med' countries were in favour of putting the size of the population, economic situation and the ENP countries' needs as the main principles. In addition, the criteria should take account of the level of GDP per capita and the ENP countries' absorption capacity (Confidential-OMS_18: 2). In terms of the concrete ranges, the 'Club Med' countries advocated a very moderate range for the annual country assistance, not higher than 10%. These EU member states were initially against any top-ups within the framework of the umbrella programmes and later on supported a range of not more than 5% (Interview-OMS_67). The 'Club Med' countries also opposed any kind of provision on the implementation of the 'less for less' approach (Confidential-OMS_18: 1).

As discussed above, at the decision-making stage coalition building with some of the 'Big Three' played a decisive role for the CEECs' partial success in pushing through their preferences with regard to the criteria for the allocation of the incentive-based assistance and the ranges. Coalition building also accounts for the weak provision on the 'less for less' approach. At first glance it cannot explain why the CEECs and the other advocates of the 'more for more' approach did not succeed in shaping the criteria for the baseline allocations according to their preferences. Due to their virtual parity in terms of bargaining power, one possible explanation could be that both groups of EU member states had to trade certain concessions and that the provisions are the outcome of an interstate bargaining-process. As admitted by an official from an EU-15 country, the outcome represents 'a trade-off between the criteria and the percentages. The "Club Med" countries got something in return' (Interview-OMS_67). While the criteria for the baseline allocations listing needs and the

size of the population as the first criterion reflect the preferences of the 'Club Med' countries, the criteria for the allocation of the incentive-based assistance correspond first and foremost to the preferences of the advocates of the 'more for more' approach including the CEECs. Coalition building can also explain the concrete ranges included in the PGA: 20% represents a compromise between 30% as favoured by the supporters of the 'more for more' and 10% as advocated by the 'Club Med' countries; and 10% represents a compromise between 20% as supported by the advocates of the 'more for more' approach and 5% as proposed by the 'Club Med' countries. In order to receive the consent of the 'Club Med' countries' to the ranges, the advocates of the 'more for more' had to agree on a provision granting EU member states a strong role in the programming of the ENI assistance (Confidential-EU_16: Art. 7 (8)) (Interview-OMS_67).

At the agenda-setting stage all EU-8 had similar views on the criteria and the introduction of performance-based assistance. However, they did not draw on this internal unity but teamed up with other EU-15 countries. For this reason, internal unity does seem to have played a decisive role for their impact at the agenda-setting stage.

At the decision-making stage, the CEECs differed with regard to the provision on the 'less for less' as outlined above. Many CEECs which were against a provision on the 'less for less' feared that certain Eastern neighbours such as Belarus or Ukraine could lose out (Interview-OMS_76). With regard to the criteria for the baseline allocations and the allocation of incentive-based assistance Poland, the Czech Republic, the Slovak Republic as well as the Baltic States 'favoured the "reforms first" approach' (Interview-EU_63). All of them were also in favour of a 'substantial' share of the annual country allocations to be disbursed on the basis of the 'more for more' approach.⁸⁶ In the negotiations they showed a united front starting from 30% for the annual country allocations and 20% for the umbrella programmes. Thus, with regard to the criteria and the ranges Poland, the Czech Republic and the Baltic States formed one group.

To sum up, at the decision-making stage internal disunity among the CEECs can at best explain the CEECs' failure in securing a stronger provision

⁸⁶ Slovenia did not form part of this group. It rather teamed up with the 'Club Med' countries in the negotiations on the PGA.

on the implementation of the 'less for less' approach: Those few CEECs which were in favour of the 'less for less' approach were not interested in securing a particularly strong provision on the 'less for less' anyway. Internal unity/disunity cannot account for the CEECs' only partial success in shaping the provisions on the criteria and the ranges for the annual country assistance and umbrella programmes according to their preferences. In addition, it cannot explain the concrete numbers included in the provisions on the shares of assistance to be disbursed on the basis of the 'more for more' approach.

The stakes were high in the negotiations on the implementation of the 'more for more' and 'less for less' approach in the new ENI regulation for both groups, the Friends of the EaP and the 'Club Med' countries. The respective provisions in the PGA and new ENI regulation touch on several problematic aspects in EU foreign policy and the ENP. The EU's application of conditionality represents one of the most contested practices in EU foreign policy and has been, as argued by Smith, 'uneven' (2007: 131). As admitted by an official from the Commission, there has been 'a number of cases where the EU made exceptions on that like Azerbaijan and the worst cases Tunisia and Egypt' (Interview-EU_55). The problem can be partially attributed to the fact that the promotion of democracy remains 'a sensitive issue' for many EU member states (Interview-EU_64). On the other hand, member states' economic or strategic interests have often prevented the EU from systematically applying conditionality (Smith 2007: 131). Moreover, in general the EU has shown a preference for the application of positive conditionality avoiding the recourse to negative measures (Smith 1997: 13).

Second, at least indirectly the provisions on the implementation of the 'more for more' and 'less for less' approach could lead to a change to the existing prevalent division of funds in ENP with two-thirds earmarked for the Southern neighbours and one-third for the Eastern ENP countries.

Both groups of member states had strong interests in securing a particular outcome. The 'Club Med' countries feared that due to high shares of assistance disbursed on the 'more for more' approach Southern neighbours could lose ENI funds to the benefit of the Eastern ENP partners. They argued for the need to keep the hitherto division of ENPI funds (Confidential-OMS_18: 1; Confidential-OMS_30: 1). The CEECs and some EU-15 countries were interested in lifting this artificial division of funds and having possibilities for

rewarding the best reform performers (Confidential-MS_19: 2). The negotiations on the provisions concerning the implementation of the 'more for more' and 'less for less' approach in the new ENI regulation were comparable to a zero-sum game. While theoretically there was a possibility to enter the tripartite negotiations without a PGA, each member state knew that without the PGA it would have been less in a position to impact upon the provisions (Interview-OMS_76).

The salience of the provisions provides an explanation for the significant lobbying efforts of both groups in particular at the decision-making stage. Both groups of member states were willing to mobilise significant resources in order to shape the outcome according to their preferences. The salience of the provisions on the implementation of the 'more for more' approach accounts for the very difficult negotiations on the respective articles of the PGA and ENI but hardly for the concrete outcome. It took the EU member states altogether four COREPER meetings to finally come to an agreement on these two provisions (Articles 4 (1) and (2) as well as Article 7).⁸⁷ However, the salience of the provisions on the 'more for more' approach offers no obvious explanation for the CEECs' partial success in shaping the provisions according to their preferences. Due to the salience of the provisions one could have expected the EU member states to encounter significant difficulties in coming to an agreement or pushing their particular preferences through without making substantial concessions. The salience of the provisions, however, cannot explain why the CEECs had to give in on the criteria for the baseline allocations and partially succeeded in shaping the ranges according to their preferences.

3.2.3.2 Institutional sources of impact

Holding the Council Presidency can provide a possible explanation for a member state's impact on a policy outcome. As outlined in chapter 5, however, the role of the Council Presidency is limited in ENP. In the second half of 2011, thus at the very early stage of the agenda-setting process, Poland was holding the Council Presidency. However, the discussions with the COEST and MAMA representatives on the PGA only started in January 2012 after the publication of the Commission's proposal and under the Danish Council Presidency. Denmark

⁸⁷ The meetings took place on 13 and 14 as well as 20 and 21 June 2012.

was a strong supporter of the 'more for more' and 'less for less' approach. Despite its Council Presidency it signed a non-paper which was circulated in March 2012. However, it did not chair the meetings of the working groups. The PGA file was forwarded to COREPER II at the beginning of June 2012 whose meetings were chaired by the Danish Council Presidency (Interview-OMS_76). Drawing on the competences of the Presidency, Denmark made proposals for compromises but did not actively push for a particular position. Due to its commitment to neutrality, it could not lobby for a specific position. The trilogues started under the Cypriot Council Presidency in October 2012. Before its Council Presidency, Cyprus used to team up with the countries of the 'Club Med'. However, due to the fact that the PGA provisions were in almost exactly the same form included in the new ENI regulation, its impact can be regarded as limited.

To sum up, at the decision-making stage holding the Council Presidency and cooperating with the Council Presidency does not seem to have been a decisive factor for the CEECs' partial success in shaping the PGA and ENI provisions according to their preferences. The agenda-setting stage seems to be more open to impact attempts of the Council Presidency. However, in this case, apart from the non-paper of March 2012, there is no evidence suggesting that the EU-8 closely cooperated with the Council Presidency.

A group of member states can increase its ability to shape a policy outcome according to its preferences if it manages to get support for its initiative from the Commission. Indeed, the EU-8 could have drawn on the support of several high-level officials from the CEECs who were involved in the negotiations including Commissioner Füle. Füle was in favour of strong provisions on the implementation of the 'more for more' approach and in general – like the CEECs – supported a change of the division of ENPI funds (Interview-EU_71) At the agenda-setting stage, both, the Commission and the supporters of the 'more for more' and 'less for less' approach agreed on the need to introduce provisions on a stronger link between the allocation of funds and reform performance (*ibid.*). However, they diverged in their views how the 'more for more' approach should be implemented. Due to these different positions, the EU-8 could draw on limited support from the Commission at the decision-making stage.

In the negotiations the Commission openly opposed the inclusion of fixed percentages of ENI assistance to be disbursed on the basis of a country's reform progress for several reasons. First, from the Commission's point of view political and other reforms need time and can only be implemented in the long-term perspective (Interview-EU_71). The Commission accused member states of being not aware that ENP assistance did not work like a 'rapid reaction programme' (*ibid.*). Second, it regarded fixed shares of performance-based assistance as difficult to implement in practice. It argued that if they were fixed it would be forced to allocate the funds even in case of no or limited progress (Confidential-EU_15: 2). Moreover, if additional ENP funds are given to one country, they need to be taken away from another ENP partner. Thus, with regard to the percentages of performance-based assistance, the NMS were not able to gain support of the Commission for the introduction of fixed ranges.

However, the CEECs and the Commission had similar preferences with regard to the criteria for the allocation of incentive-based assistance. Comparable to the CEECs' position, the Commission was in favour of allocating the incentive-based assistance within the framework of the umbrella programmes on the basis of the ENP countries' progress in building deep and sustainable democracy and implementing reforms (Confidential-EU_14: 1). As a consequence, with regard to the criteria the CEECs could, at least partially, draw on the support of the Commission.

In conclusion, in the negotiations on the PGA and subsequent ENI regulation coalition building with the Commission does not provide a compelling explanation for the CEECs' partial success in shaping the provisions on the implementation of the 'more for more' and 'less for less' approach according to their preferences. Despite the Commission's opposition to the inclusion of fixed ranges, the CEECs together with other EU member states succeeded in getting fixed percentages of performance-based assistance at the decision-making stage. While the CEECs at least partially had the Commission on their side with regard to the criteria for the allocation of performance-based assistance, they failed in avoiding needs as a criterion for the performance-based assistance in the PGA. Finally, despite the Commission's opposition to a reference on the implementation of the 'less for less' approach, those CEECs in favour of a 'less for less' approach together with other EU member states succeeded in including at least a weak reference.

Voting rules did not play a decisive role at any stage of the negotiations on the PGA and the new ENI regulation. In view of the two large camps of EU member states in favour and against a strong implementation of the 'more for more approach' none of them could have been easily overruled.

3.2.3.3 Ideational sources of impact

The CEECs partially managed to frame their preferences with regard to the implementation of the 'more for more' approach as of added value for the whole EU and all ENP countries. At the agenda-setting stage the discussions revolved primarily around the question as to 'how to make the ENP more effective and efficient' and how to provide more incentives for the ENP countries (Interview-EU_65). Other officials attributed the introduction of the 'more for more' to the increased public pressure in many EU member states to show value for the money and demonstrate 'that the EU will not support dictatorships' (Interview-EU_75). The developments in several Eastern ENP countries or a possible reallocation of ENI funds from the Southern to the Eastern ENP countries were not openly raised in this context. The 'more for more' approach and the introduction of ranges for performance-based assistance were perceived as truly innovative. While the 'more for more' draws on the concept of previous initiatives such as the Good Governance Facility and the Governance Incentive Tranche, the buzzword 'more for more' represented 'a new spin' implying a new intensification of the policy (Interview-EU_51). Thus, in general, the 'more for more' approach was framed as an initiative primarily aimed at making the ENP more effective and efficient, neither to the particular benefit of the Eastern nor the Southern ENP partners. As a consequence, at the agenda-setting stage the CEECs were perceived as pushing 'hard for the more for more' but 'not strictly in order to balance against the South' (Interview-OMS_67).

The EU-8's framing of the 'more for more' approach as an initiative to the benefit of all ENP countries was less convincing at the decision-making stage. The CEECs' preference for listing progress in implementing political and other reforms as the first criterion for the allocation of incentive-based assistance was perceived as putting the Eastern ENP countries in a better position than the Southern ENP partners. An EU official admitted that in terms of reform progress

it was clear that ‘the “Eastern neighbours” are performing better than the Southern neighbours’ and would, as a consequence, benefit from more ENP funds (Interview-EU_49). As can be seen from the letters of the ‘Club Med’ countries, they feared that the change of the criteria for the allocation of ENPI assistance as well as the introduction of percentages of ENI to be disbursed on reform performance could result in a different division of ENPI funds (Confidential-OMS_30: 1). Despite the CEECs’ consensus-seeking behaviour, their initial preference concerning the shares of ENI funds to be disbursed on the basis of reform progress was perceived as too radical and not very realistic even if concrete numbers were not included in their letters or non-papers (Interview-EU_71).

In summary, framing provides a good explanation for the CEECs’ impact at the agenda-setting stage. At the decision-making stage it cannot reasonably explain why the CEECs failed to shape the criteria for the baseline allocations according to their preferences while they partially succeeded in pushing their preferences through with regard to the criteria for the allocation of performance-based assistance. Framing could be a possible explanation of why the CEECs later on promoted only 30% and not 50% of ENP funds to be disbursed on the basis of reform progress but it cannot account for the final outcome referring to 20% of the annual country allocations to be disbursed on the basis of a country’s reform progress.

The Arab Spring illustrated the necessity of introducing a stricter application of conditionality in ENP. It provided those EU member states in favour of a stricter conditionality in the new ENI regulation with good reasons for opening the discussion on the ‘more for more’ and ‘less for less’ approach at the agenda-setting stage. As admitted by an EU official, ‘it was the experience of the Arab Spring which has shown that we provide support to many countries but without sufficiently taking account of the democratic reforms and human rights’ situation there’ (Interview-EU_71). Despite the EU’s ENP assistance to the Eastern and Southern ENP countries, the political reform progress in these countries was modest. Some of them have even developed backwards in terms of democratic standards and rule of law.

At the decision-making stage, EU member states continued to provide arguments for their preferred policy outcome. With regard to the ‘less for less’ approach, the ‘Club Med’ countries argued that transition was a long-term

process. For this reason the EU should abstain from punishing those ENP countries which do not make sufficient progress in implementing reforms (Interview-OMS_47). With regard to the introduction of fixed ranges the 'Club Med' countries, similar to the position of the Commission, referred to the EU's commitment to aid predictability and aid effectiveness. The CEECs and those in favour of the introduction of fixed ranges argued that the percentages were relatively small and represented only a 'political signal' (*ibid.*). With regard to the criteria, in particular Poland pointed to the necessity of taking into account not only political but also social and economic reforms referring to its transition experience in this regard. However, Poland's argument seemed not credible. The main motivation behind it was related to Poland's fear that some of the Eastern ENP countries could get less ENP funds if the allocation of ENP assistance only took into account political and no other reforms (Interview-OMS_47).

Persuasive argumentation and the timing provide a reasonable explanation of the CEECs' impact at the agenda-setting stage. However, at the decision-making stage, their explanatory power is limited. It could possibly explain why the share of performance-based assistance remained limited but not why the share of performance-based assistance was fixed to 20% for the country allocations and to 10% for the umbrella programmes. Indeed, there is 'no rationale for the concrete numbers' (Interview-EU_71). Moreover, while Poland's argument for the inclusion of not only political but also economic and social reforms was biased, the suggestion was listed as the second criterion for the baseline allocations and incentive-based assistance. Despite the 'Club Med' countries' argument against a provision on the implementation of the 'less for less' approach, the PGA and the new ENI refer to a possible cut of assistance in case of an ENP country's regress.

The right timing of a policy initiative can also account for an initiative's success or failure. The origins of the 'more for more' and 'less for less' approach are disputed. However, the general will to introduce more conditionality into ENP can be regarded as a result of the EU's lessons learned from the Arab Spring and the consultation procedure on the strategic review of the ENP. The idea of more conditionality came already up before the Arab Spring in 2010 within the framework of the consultations on the review of ENP (Interviews-EU_51 and EU_65). However, the Arab Spring served as a 'hook'

(Interview-OMS_76). While the timing of the 'more for more' approach can explain why the initiative was generally well received in the Council, it can hardly account for the CEECs' only partial success in shaping the PGA provisions according to their preferences. The Arab Spring was of key importance for the general promotion of the 'more for more' approach at the agenda setting stage but it played no role anymore at the decision-making stage. During the negotiations on the provisions concerning the implementation of the 'more for more' approach, EU member states did 'not support so clearly anymore the commitment to democratic reforms and human rights in the new ENI regulation' (Interview-EU_71). At the decision-making stage, some EU member states did not want the 'more for more' approach to overrule the predictability of ENP assistance and pushed again for listing needs as the main criterion for the allocation of ENP funds.

To sum up, while the Arab Spring together with the strategic review of ENP provided a good window of opportunity for the introduction of stricter conditionality into ENP in line with the CEECs' preferences, the lessons learned from the Arab Spring only played a marginal role at the decision-making stage. They created a receptive environment for the promotion of the CEECs' preferences at the agenda-setting stage but were of no importance for the CEECs' ability to shape the provisions according to their preferences during the negotiations on the PGA.

4. Conclusions

The EU-8's impact attempts on the substance of ENP analysed in this chapter demonstrated that their impact has varied in form and extent. The EU-8's impact on the objectives of ENP was limited in the case of the finalité of ENP and medium in the case of the Council's decisions to impose sanctions against Belarus. The EU-8's attempts to secure a clear membership perspective was mainly limited to soft law instruments and led to a blurred wording on the membership perspective but not a change of the hitherto constructive ambiguity. They did not manage to get a reference to the accession article (Art. 49) in Council documents. The CEECs' impact was higher on the Council's decisions to impose sanctions against the Belarusian regime in the positive and negative sense. At the insistence of several EU-8 countries, the Council

significantly extended the visa ban and asset freeze list and imposed financial and economic sanctions including an arms embargo. In contrast, Slovenia and Latvia managed to weaken the EU's sanctions by taking three Belarusian companies off the asset freeze list.

The EU-8 also partially succeeded in having impact on the instruments of ENP. As this chapter has demonstrated, the CEECs not only significantly contributed to the inclusion of clear deadlines and timelines for the negotiation of visa facilitation agreements but also speeded up the respective negotiations by pushing for the opening of negotiations on visa facilitation and the adoption of negotiating mandates. Their impact on visa facilitation for the Eastern ENP countries has been targeted on both soft law instruments as well as legislative acts and had tangible implications for the implementation of ENP. The EU-8 also managed to partially shape the provisions on the implementation of the 'more for more' and 'less for less' approach of the PGA and new ENI regulation according to their preferences. These provisions are legally binding and will have implications for the allocation of ENI funds. However, the inclusion of these provisions cannot be regarded as the achievement of the CEECs only. The EU-8's impact attempts on the substance of the eastern dimension of ENP are summarised in Table 6.1.

Table 6.1: The CEECs' impact on the substance of the Eastern dimension of ENP

	Main request	Legislative act or soft law	High or low relevance	EU or EU and multilateral level	Marginal or considerable change
Objectives and priorities	A clear membership perspective for Ukraine, Georgia and Moldova	Soft law instruments	Medium to high relevance	EU and multilateral level	Marginal change, continuation of 'constructive ambiguity'
	Imposition of tougher (economic) sanctions against Belarus	Soft law instruments and legislative acts	High relevance	EU level	Some change but limited effects on trade volume
Instruments	Visa facilitation for Eastern ENP countries	Soft law instruments and legislative acts	Medium to high relevance	EU and multilateral level	Some change with implications for policy implementation
	Implementation of the 'more for	Legislative acts and	High relevance	EU level	Some change with implications

	more' and 'less for less' approach in the new ENI regulation	soft law			for policy implementation
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As the examination has shown, ENP represents an area where the EU-8's impact has gone beyond the agenda-setting stage. They also managed to have impact at the decision-making stage. In terms of the nature of the CEECs' impact, this chapter has demonstrated that the EU-8's attempts were either divisive and/or innovative. Their impact on the finalité of ENP can be classified as a case of divisive impact whereas their impact on the implementation of 'more for more' and 'less for less' approach also included aspects of innovative impact.

With regard to the question what accounts for the EU-8's impact on the substance of ENP this chapter has demonstrated that ENP represents an area where the EU-8 can draw on significant material and ideational sources such as expertise. Despite these sources of impact they only managed to have an impact at the decision-making stage if they succeed in teaming up with several EU-15 countries including two of the 'Big Three'. As the analysis of the CEECs' impact on the finalité of ENP has demonstrated their impact is limited at the decision-making stage if they encounter stiff opposition from several big EU-15 countries such as France and Germany.

Both case studies have pointed to the importance of member states' material sources of impact at the decision-making stage. As demonstrated by the negotiations leading to the adoption of targeted economic sanctions against Belarus, Poland, Slovakia and the Czech Republic did not manage to pressurise the Council to impose an embargo on arms sale and freeze the assets of leading Belarusian companies without the support of Germany and France. As soon as they gave up their opposition, an agreement on such restrictive measures seemed likely. The in-depth case study analysing the CEECs' impact on the implementation of the 'more for more' and 'less for less' approach in the new ENI regulation seems to confirm the importance of material sources of member states' impact at the decision-making stage. Without the support of the powerful coalition including Germany and the UK, the CEECs would have unlikely managed to keep the fixed ranges of performance-based ENP assistance. The relatively weak reference to the implementation of the

'less for less' approach again underlined how dependent EU member states are on powerful coalitions in order to push through their preferences.

Ideational sources of member states' impact turned out to be more important at the agenda-setting stage. Due to his regional expertise, the Polish Minister of Foreign Affairs succeeded in placing the imposition of sanctions against Belarus on the top of the Council's agenda. However, as soon as the Council started discussing on the concrete type of the sanctions, Poland's and the other CEECs' expertise faded into the background and national interests came to the fore. Due to the serious repercussions that targeted economic sanctions would have for their economies, Slovenia and Latvia were even ready to veto the Council's decisions. Similar conclusions can be drawn from the in-depth case study examining the CEECs' impact on the implementation of the 'more for more' and 'less for less' approach in the new ENI regulation. While initially the CEECs managed to capitalise on their transition experience and experience with political and economic conditionality, this experience and expertise did not play a significant role anymore at the decision-taking stage. The concrete percentages of performance-based assistance as included in the PGA represent the outcome of a bargaining process rather than arguing. There is no plausible reason for the concrete numbers.

As demonstrated by the in-depth case study exploring the CEECs' impact on the imposition of sanctions against Belarus, institutional sources of member states' impact can be particularly important if the adoption of a policy outcome requires unanimity in the Council. By threatening to make use of their veto, Slovenia and Latvia were able to significantly punch above their weight and get concessions from the Council's initial asset freeze list which they would not have obtained if the decision had only required the qualified majority of the Council.

Chapter 7

EU member states' different approaches to EU energy security

1. Introduction

'Energy is crucial for the EU' (European Council 2011a: 1). With over 500 million consumers and around 20 million companies, Europe represents one of the world's biggest regional energy markets. It is also the biggest importer of energy in the world (European Council 2010: 1). In 2011 58% of its oil and 28% of its gas supply come from third countries such as Russia, Norway, Algeria or Saudi Arabia (Commission 2013b: 37). The shares are likely to increase by 2030 due to the increasing depletion of Europe's indigenous energy sources.

Although it 'has been at the heart of European integration' (Dehousse/Andoura/Dehin 2007: 31) since the early days of the European Economic Community, energy can be regarded as 'one of the most paradoxical areas' of European integration (Belyi 2009: 203). Its origins go back to the establishment of the first European Community, the ECSC (European Coal and Steel Community) in 1951, which aimed to create a common market for steel and coal among the six founding members of the European Community and was further complemented by the Euratom Treaty in 1957 which was supposed to ensure the peaceful use of nuclear energy among EU member states (Dehousse 2007: 11; Buchan 2010: 359).⁸⁸ Despite these early integration attempts, 'what is to be a European energy policy is still emerging' (Pointvogel 2009: 5705).

Until the coming into force of the Lisbon Treaty in December 2009, energy policy lacked a specific legal basis. While initially exclusively focusing on the development of the internal energy market, recent challenges resulting from the changing energy environment such as increasing import dependency, supply cuts and increasing demand for energy from emerging economies such as China, Brazil and India have directed the EU's attention to the external dimension of its energy policy, specifically to the security of energy supplies. Together with the internal energy market and energy sustainability, energy security represents one of the three main pillars of the EU's energy policy.

⁸⁸ The Treaty of Paris, on which the ECSC was based, expired in 2002.

However, it is the least developed one out of the three (Buchan 2010: 368). The most common definition of energy security refers to the 'uninterrupted physical availability of energy products on the market at affordable price for all consumers' (Commission 2000a: 3).⁸⁹ For this reason energy security is complex as it is at the interface between the internal and external dimension of EU energy policy (Andoura 2013: 244; Maltby 2013: 435). The security of energy supplies presupposes both sufficient energy interconnections among EU member states within the framework of a common energy market as well as an adequate diversification of external energy suppliers and transport routes and a common approach of the EU towards these supply countries.

Although not new, energy security 'is a hotly debated topic in the EU' (Keukeleire/MacNaughtan 2008: 240). With the accession of the CEECs in 2004, the EU's average import dependency on gas supplies from Russia has significantly increased. The gas disputes between Russia and Ukraine in 2007 and 2009 further demonstrated the vulnerability in particular of the Eastern newcomers to supply cuts and turned energy security into one of the EU's top priorities (Andoura 2007: 67; Helm 2012: 557).

This chapter gives a broad overview of the main aspects of EU energy policy and the key differences between the 'old' and 'new' member states' approaches to EU energy security. The focus is on gas. Gas is not only the most problematic energy source for the CEECs but it also represents the energy sector in which the EU is most vulnerable to supply interruptions. This chapter is subdivided into two main sections. The first section outlines the key features of EU energy policy including its development, its main objectives, instruments and key actors in the policy-making process. Particular attention will be given to energy security as one of the key objectives of EU energy policy. The second section seeks to highlight the main differences in the approaches of the 'old' and 'new' EU member states to EU energy security along three different dimensions including energy mix, import dependency and energy infrastructure. The purpose of the second section is to outline those aspects of EU energy security which the CEECs will likely try shape according to their preferences.

⁸⁹ See for similar definitions Buchan 2010: 358; Pointvogel 2009: 5705; Moussis 2009: 42.

2. EU energy policy

2.1 The development of EU energy policy

The development of a Community energy policy has been primarily limited to the establishment of an internal energy market representing ‘the longest standing of the three strands of the EU’s energy policy’ (Buchan 2010: 361). Back in April 1964, the six founding members of the European Community adopted a ‘Protocol of Agreement on Energy Problems’ arguing for the development of a Community energy policy aiming to ensure the cheapness, security and stability of energy supply (EC member states 1964: 1).

The adoption of the Single European Act in December 1985 further cemented the initial focus on the promotion of the internal energy market. In its resolution of September 1986 the Council first referred to the term ‘internal energy market’ and pointed to the need for ‘greater integration, free from barriers to trade’ in order to secure energy supplies, reduce energy prices and increase competition (Council 1986: 2). The Maastricht Treaty of 1993 conferred upon the EU certain limited competences in the area of cross-border networks involving transport, telecommunications and energy, the so-called Trans-European Networks (TENs) (Buchan 2010: 360). The Commission’s White Paper of December 1995 for the first time then highlighted competitiveness, the security of supplies and environmental protection as the three main objectives of EU energy policy (Commission 1995: 3; also Belyi 2012: 6). However, the EU lacked the necessary legal basis to achieve these objectives (Maltby 2013). Until the Lisbon Treaty, the making of EU energy policy had to be based on the economic or environmental provisions of the treaties (Buchan 2010: 360).

While all EU efforts for a long time had been directed at the promotion of the internal energy market and competitiveness, the EU’s Eastern enlargement in 2004 and the changing energy context in 2005 shifted the focus of the EU’s energy policy towards security and the external dimension of this policy. Due to the Eastern newcomers’ excessive dependence on one energy supplier and in most cases also on one transport route, the ‘big bang’ enlargement served as a ‘catalyst for policy on energy security’ (Buchan 2010: 373). In response to these new challenges, the Heads of State decided at the Informal Hampton Court

Summit in October 2005 that the EU needed ‘to diversify [its] sources of energy and approach [its] current major energy suppliers in a more coherent manner’ (Straw quoted in Geden/Marcelis/Maurer 2006: 10).

While the development of the internal energy market has made substantial progress since the 1990s resulting in the adoption of three energy packages⁹⁰, the development of the external dimension of the EU’s energy policy has been slow and mainly driven by events. The regulation on the measures to safeguard the security of gas supply of October 2010, for example, can be regarded as the EU’s response to the gas crises in 2006 and 2009 (Sikow-Magny 2012).

Apart from this regulation, the EU’s legislative action with regard to the external dimension of EU energy policy so far has been mainly limited to soft law instruments such as Council conclusions and Commission communications (Andoura 2013: 245). The European Council conclusions of February 2011 represent an important milestone in the development of the external dimension of EU energy policy by acknowledging the need for more ‘consistency and coherence in the EU’s **external relations** with key producer, transit, and consumer countries’ (2011d: 4, emphasis in the original).

One of the measures suggested in the conclusions referred to the setting up of an information exchange mechanism between EU member states and the Commission concerning intergovernmental energy agreements with third countries. This resulted in the Commission’s proposal for the establishment of such a mechanism in September 2011 followed by Council conclusions dealing specifically with the external dimension of EU energy policy in November 2011. Although in a much weaker form, the Council adopted the respective decision in October 2012 establishing the information exchange mechanism. The mechanism aims to contribute to more transparency and coordination among EU member states. Further it seeks to ensure the compliance of member states’

⁹⁰ The first energy package was adopted in the period from 1996 to 1998. The second energy package entered into force in 2003 and was replaced by the third energy package in 2009. Major legislative acts adopted within the framework of the second and third energy package include the directive concerning common rules for the internal market in electricity (2003/54/EC and 2009/72/EC), the directive concerning common rules for the internal market in natural gas (2003/55/EC and 2009/73/EC) as well as the Regulations on conditions for access to the network for cross-border exchanges in electricity (1228/2003 and 714/2009) and for access to natural gas transmission networks (1775/2005 and 715/2009) (European Parliament and Council 2003a; 2003b and 2003c as well as 2005 and 2009a; 2009b; 2009c and 2009d).

intergovernmental energy agreements with the EU energy acquis (European Parliament and Council 2012: 13; Abreu Marques 2012: 168).

2.2 The objectives of EU energy policy

The EU's energy policy has three main objectives derived from its three pillars. Based on its first strand, a functioning internal energy market, EU energy policy aims at ensuring competition in the EU energy market, including competitive prices for energy. Secondly, it seeks to guarantee a stable and secure level of energy supplies in the EU. Finally, the EU's energy policy strives to promote a sustainable development of energy by focusing on energy efficiency and saving measures as well as renewable energy sources (Buchan 2010: 357; Andoura 2013: 245).

These three objectives have been codified in Article 194 of the TFEU, which also lists in addition the promotion of energy networks' interconnection as a further objective of EU energy policy.

2.3 Main instruments in EU energy policy

The EU's energy policy draws on a variety of different instruments depending on the respective dimension (internal or external). In order to promote the development of a common EU internal energy market, the EU provides funding for selected energy infrastructure projects 'of common interests', the so-called PCI projects, within the framework of the TEN-E regulation.

The EU's external energy policy is based on various bilateral, regional and international policies and instruments including dialogues, Memoranda of Understanding, agreements and regional or international treaties.

While it would go beyond of the scope of this section to describe all instruments in EU energy policy, the focus of this section is on the financial instruments as well as on the Energy Community and the Energy Charter.

Financial instruments

The EU's primary financial instrument for funding energy infrastructure projects is the Trans-European Energy Networks programme, the so-called TEN-E. The

budget of TEN-E for the period 2007 to 2013 amounted to 155 million EUR. However, the funding provided under the TEN-E programme for the period 2007 to 2013 was mainly limited to feasibility studies concerning selected energy infrastructure projects. The TEN-E programme for the period 2007 to 2013 was further complemented by the European Energy Programme for Recovery (EEPR). The EEPR was set up in 2009 as one of the measures adopted by the EU in order to temper the negative repercussions of the financial crisis and the gas dispute between Ukraine and Russia in 2009 (European Council 2011c: 2). It had a total budget of 3 980 million EUR. Since 2014 both funding programmes have been replaced by the 'Connecting Europe Facility' (CEF), the new financial instrument for the period from 2014 to 2020. The CEF's budget amounts to 5.85 billion EUR.

Within the framework of CEF, the EU for the first time will be in a position to co-finance important energy infrastructure projects drawing on its regular budget (Commission 2011f). With funds from the CEF the EU can cover up to 50% of the costs for studies and works. Under certain conditions the EU can even account for 80% of the costs of an energy infrastructure project if the project is of vital importance for the EU's or a region's energy security but not viable from a commercial point of view. To be eligible to apply for funds the energy infrastructure project has to be designated as a project of common interest (PCI project) included in the PCI list. In order to be designated as a PCI project, the project has to meet certain criteria stipulated in the TEN-E Regulation (European Parliament and Council 2013: Art. 4).

The Energy Community

The Energy Community represents a legally binding framework for the extension of the rules and norms of the EU internal energy market to countries in South-Eastern Europe (European Council 2010: 2; Prange-Gstöhl 2009: 5299). Based on the Commission's belief that a properly functioning energy market can significantly contribute to affordable and secure supplies of energy, the EU seeks, by extending its energy market model to neighbouring countries, to create 'a common regulatory area with shared trade, transit and environmental rules' in the energy sector (Commission 2006a: 2).

The Energy Community Treaty was signed in 2005 and entered into force in 2006 (Prange-Gstöhl 2009: 5299). While originally comprising the EU and eight countries in South-East Europe only, it was further extended in 2010 and 2011 to include Moldova and Ukraine as contracting parties (Moussis 2009: 45). Georgia has applied for accession and has currently candidate status.

The main objectives of the Energy Community include the creation of 'a stable regulatory and market framework' in order to promote investments in energy networks, to increase trade in gas and electricity and to contribute to more market competition as well as to energy security by promoting the development of energy connections to gas reserves in the Caspian region, North Africa and the Middle East (Energy Community 2006: Preamble). Contracting parties to the Energy Community Treaty are obliged to comply with the EU energy and competition acquis (Mang 2013: 12). The Energy Community is so far the EU's 'most institutionalised and probably most comprehensive tool' for integrating its neighbours into its energy market (*ibid.*).

The Energy Charter

The Energy Charter Declaration was signed in The Hague in December 1991 and formed the basis for the Energy Charter Treaty that was concluded in Lisbon in 1994. The Energy Charter Treaty is a legally-binding multilateral agreement (Mang 2013: 13). It represents 'the first and unique multilateral treaty for energy trade and investments' (Belyi 2009: 212). It entered into force in 1998 and has been signed by altogether 54 parties: 52 states, the European Community and Euratom.⁹¹ Its main objective is to 'strengthen the rule of law on energy issues' by stipulating common rules for energy-related trade, investment and transit (*ibid.*).

The EU regards the ECT to be the primary legal basis for its energy cooperation with post-Soviet states as well as Russia. While Russia signed the Energy Charter Treaty, it did not ratify it and does not intend to do so in the foreseeable future. In August 2009, Russia officially notified the Depository that it would not ratify the treaty. As a consequence, it has also stopped applying its provisions.

⁹¹ See also the website of the Energy Charter <<http://www.encharter.org/index.php?id=7>> [Access 20.12.2013].

3. Key actors in the EU energy policy-making process

The EU energy policy-making process is highly complex due to the ‘cross-cutting [...] and multifaceted nature of the energy area’ (Birchfield 2011: 246f.). The main actors in EU energy policy are the European Commission, the Council and the EP. While the European Commission ‘has recently quite aggressively invoked its authority’ in this policy area, EU energy policy mainly rests with the member states (*ibid.*; see also Braun 2011: 6). Andoura even argues that EU energy policy only represents ‘the sum parts of 27 [28] national energy markets’ (2013: 247). With the coming into force of the Lisbon Treaty energy policy has been turned into an area of shared competence, but it is still up to the member states’ competence to determine their energy mix, decide how they tax energy and exploit their sources of energy (Art. 194 (2)(3), TFEU).

The following section focuses on the role of these three key actors in the EU energy policy-making process and aims to outline the main rules guiding the decision-making process.

3.1 The European Commission

Due to the lack of formal legal competences in the energy policy area, the European Commission ‘has historically been a demandeur in energy security’ (Buchan 2010: 363). Before the entry into force of the Lisbon Treaty, the Commission’s competences in energy policy were derived from its rights to regulate the internal market. Since the enactment of the Lisbon Treaty DG Energy is in charge of the development and implementation of a European energy policy EU covering both the internal and external dimension.

3.2 The Council

As already stated energy policy ‘is essentially the remit of the member states’.⁹² Energy policy formally falls under the remit of the Transport, Telecommunications and Energy Council (TTE Council). The composition of the TTE Council depends on the respective policy area comprising the ministers of

⁹² See the TTE Council’s website <<http://www.consilium.europa.eu/policies/council-configurations/transport,-telecommunications-and-energy?lang=en>> [Access 20.12.2013].

transport or of telecommunications or of energy. It meets usually every two months. All policy and legislative proposals are first discussed and negotiated at the working group level which meets at least once a week. The Working Party on Energy then forwards the energy files to the next higher level, in this case COREPER I (Birchfield 2011: 247). The TTE Council finally decides on the adoption of the legislative acts either on the basis of QMV together with the EP in accordance with the ordinary legislative procedure (co-decision) or unanimously. All decisions and measures which have implications for the exploitation of member states' energy resources, their energy mix and 'the general structure of its [their] energy supply' need to be taken unanimously (Article 194 (2) TFEU). In parallel with the EU energy policy member states have the right to cooperate with third countries on a bilateral level.

While the European Council and its president have formally no competence in the day-to-day legislative energy policy-making process, they are responsible for providing the strategic direction for EU policies (Braun 2011: 4).

3.3 The European Parliament

The European Parliament has a relatively strong role in the EU's energy policy-making process due to its co-decision power. The ordinary legislative procedure granting the European Parliament co-decision power applies to almost all energy-related legislative acts. One of the most important committees within the EP in charge of energy policy is the Industry, Research and Energy-Committee (ITRE-Committee).

4. Member states' different approaches to EU energy security

Energy is of fundamental importance to every country. It is 'at the core of economic and social activity' (Moussis 2009: 42). With EU enlargement in 2004, its average dependency on gas imports from third countries such as Russia has significantly increased. Several of the Eastern newcomers import 100% of their gas from Russia. The member states' varying level of import dependency from third countries as well as the availability of domestic energy resources significantly influences not only their approach to EU energy policy but also to

the EU's external relations with major supply countries such as Russia (Keukeleire/MacNaughton 2008: 241).

Smaller EU member states have in general shown more willingness to set up a common external energy policy enabling the EU to speak with one voice (Buchan 2010: 370). However, 'Where the CEECs differ from the other small states is that they want this voice, when directed at Moscow, to be a tough one' (*ibid.*: 370). On the opposite side are several of the big EU-15 countries such as France, Germany, Italy and UK who are 'keen to keep their prerogatives in this policy area' (Interview-NMS_90). Moreover, the Eastern newcomers are disadvantaged compared to the majority of EU-15 countries in terms of the necessary energy infrastructure.

The early energy initiatives since the 1950s have not contributed to any increased integration in this policy area. Rather on the contrary, they represent 'the most spectacular failure in the process of [European] integration' (George 1985: 100). The oil crises in the 1970s and 1980s not only demonstrated the lack of common solutions to energy supply disruptions at the EEC level but also led to a nationalization of the EEC member states' energy policies rather than to any integration in this policy area (Belyi 2012: 3). Even more than before electricity, gas and oil supplies were regarded as a 'question of national sovereignty' (*ibid.*).

Since then, EU member state have been 'extremely reluctant' to transfer any of their competences in this area to the EU (Keukeleire/MacNaughton 2008: 243). The continuing preference of member states for bilateral energy relations with major supply countries as well as their exclusive right to determine their energy mix, their energy supply structure and the exploitation of their indigenous energy resources have so far hampered a common approach to energy security at the EU level (Andoura 2013: 247).

The following section outlines the main differences in the approaches of the 'old' and 'new' EU member states to EU energy security with regard to three categories, energy mix (4.1), dependency on energy imports (4.2) and energy infrastructure (4.3). The selection of these categories seems reasonable on the basis of the above outlined definition of energy security, touching upon both, the 'internal' dimension of EU energy policy in terms of the sufficient availability of energy supplies presupposing necessary energy interconnections among EU member states, and the 'external' dimension of EU energy policy focusing on

the diversification of energy suppliers and transport routes (Maltby 2013: 435). The purpose of this section is to set the scene for the next chapter which analyses the CEECs' impact on the content of the EU's energy security policy. By demonstrating the major differences in the approaches of the 'old' and 'new' EU member states to EU energy security, this section aims to provide for a better understanding of those aspects of EU energy security on which the EU-8 will likely try to have an impact.

4.1 Differences in the energy mix of EU member states

An analysis of the energy mix in individual EU member states reveals significant differences in the member states' preferred fuels. This diversity is the result of the EU member states' different responses to major energy supply disruptions in the past and the availability of their domestic energy sources and their historical ties with major supply countries (Baumann/Simmerl 2011: 7f.; Mang 2013: 5).

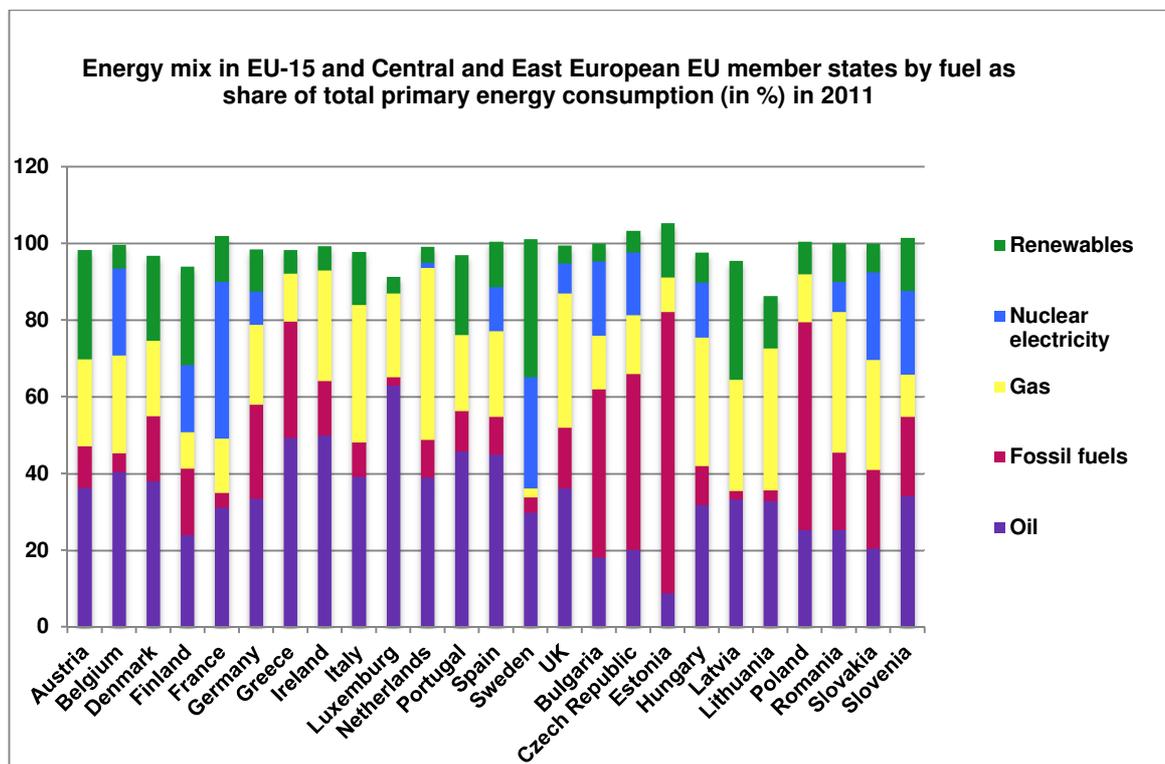
In the aftermath of the oil crisis in 1973, France and Belgium, for example, embarked on the development and promotion of nuclear energy whereas the UK started to explore possibilities for its own oil production. The energy-related historic background of the CEECs is different.

As COMECON members Poland, Hungary and at that time Czechoslovakia received oil and gas supplies only from Russia and at a significantly lower price than the market value (Proedrou 2012: 91). Being integrated in the COMECON's energy infrastructure, they did not develop any relations with other energy suppliers than Russia and complemented their energy supply with domestic production that heavily relied on fossil fuels such as coal and nuclear energy for the generation of electricity. Before their accession to the EU, several of the NMS including Lithuania, Slovakia and Bulgaria had for safety reasons, as a precondition for joining the EU, to close their existing nuclear power plants that accounted for a large part of these countries' electricity generation. This concerned specifically those nuclear power plants with old Chernobyl type reactors including Ignalina (Lithuania), Bohunice (Slovakia) and Kozludly (Bulgaria) (Misik 2010: 102; Zsigri 2012: 225). In the case of Lithuania Ignalina accounted for 70% of its electricity generation (Zsigri 2012: 225). In order to compensate for the closure of these nuclear

power plants, these countries have been forced to either resort to gas and oil supplies from Russia as alternative energy sources or to build new, safe nuclear power plants. The pressure to comply with the EU energy acquis has induced many NMS to abandon or reduce unclean or environmentally harmful energy sources such as peat burning, and to privatise their state-owned energy companies which were bought up in many cases by Russian energy companies (Mang 2013: 15; Smith 2008: 17).

Despite the differences in the energy mix of the individual EU member states, Figure 7.1 identifies certain characteristics specific to the energy mixes in the CEECs.

Figure 7.1: Energy mix in the EU-15 and CEECs by fuel as share of total primary energy consumption (in %) in 2011



Source: Own calculations based on data retrieved from Eurogas 2012: 6. No data available for Cyprus, Malta and Croatia. The energy consumption may exceed in certain cases 100% due to the exports of electricity in certain countries.

When comparing the shares of the individual fuels in the energy mixes of the EU-15 countries with those of the CEECs in Figure 7.1, the relatively high shares of fossil fuels in several CEECs stand out: Estonia (around 73%) and Poland (54%). Estonia exploits oil shale as an indigenous energy source covering 86% of its gross electricity supply (Misik 2010: 113; Zsigri 2012: 226).

Poland relies on coal as an indigenous energy source which accounts together with other solid fuels for around 85% of its gross electricity generation (Commission 2013b: 81).

Another distinctive feature of the energy mixes in the CEECs is the importance they attach to nuclear power and gas. While the share of nuclear electricity in the primary energy consumption is particularly high in Slovakia (22.81%), Slovenia (21.92%), Bulgaria (19.27%) and the Czech Republic (16.26%), this is not only limited to the CEECs but also concerns several EU-15 countries such as France (40.8%), Sweden (29%), Belgium (22.5%) and Finland (17.47%).⁹³ In the case of the CEECs, nuclear energy is particularly important for two main reasons. First, the generation of nuclear power is virtually carbon free. It therefore enables the CEECs to meet their environmental commitments at the EU and international level. Second, it helps them to reduce their dependence on energy imports from Russia (Misik 2013: 15; Baumann/Simmerl 2011: 11).

One minor but important difference in the energy mixes of the EU-15 countries and the CEECs concerns the shares of renewables (Molis 2011: 9). While in the EU-15, the average share of renewables in the primary energy consumption amounts to 14.2%, in the CEECs the average share does not exceed 11.7%. Only Latvia represents an exception to the rest of the CEECs. Latvia produces around 64% of its electricity from hydropower (Zsigri 2012: 226).

With regard to the CEECs' impact on the EU's energy policy, it can be assumed that these countries will try to preserve their right to determine their energy mix. As underlined in several declarations of the Visegrád countries, they 'strongly advocate the Member States' exclusive competence over the choice and structure of their national energy mixes' (V4 2012b: 2). This applies in particular to Slovakia's and the Czech Republic's claim to use and promote nuclear energy as well as to Poland's claim to use coal for its energy supply. A Slovak representative made clear that his country 'is not going to give up nuclear energy [...] and the European Commission has no right to dictate our energy' (quoted in Misik 2013: 15). Although aware that coal is regarded as an unclean energy source, Poland stresses that 'we have to notice its potential in [sic!] delivering energy supply' (Interview-NMS_90). Moreover, it can be

⁹³ Own calculations based on data retrieved from Eurogas 2012: 6.

expected that the CEECs, in general, will strengthen the group of EU member states within the Council advocating the use of nuclear power such as France, Sweden, Finland and the UK and try to influence EU policy-making process on this energy source (Baumann/Simmerl 2011: 9). Due to their strong reliance on fossil fuels such as coal or peat in their energy mixes, it can be assumed that the CEECs will try to hamper any efforts of the European Commission to tighten or impose any additional climate change targets and demand longer periods of transition and exemptions in this regard. Finally, those CEECs that had to shut down their nuclear power plants for security reasons will probably claim financial assistance from the EU either for nuclear decommissioning and/or the construction of new nuclear power plants or the modernisation of the existing ones.

4.2 Differences in member states' dependency on energy imports

The security of energy supply 'is a particularly sensitive topic for the countries from Central and Eastern Europe' (Interview-EU_87). These countries are more vulnerable to supply disruptions. There are several reasons accounting for their vulnerability in particular with regard to the supply of gas. First, compared to the EU-15 countries, their dependency on gas imports is higher. Second, they are highly dependent on gas for the generation of heat and/or electricity. Third, they lack domestic gas reserves. Fourth, in contrast to the majority of the EU-15 countries, they are dependent in certain cases 100% on energy imports from one supplier, namely Russia. Finally, in comparison to many 'old' EU member states, the majority of the Eastern newcomers have strained relations with this one energy supplier and negative experience with its reliability. Thus, they 'have a different perspective on Russia' compared to the EU-15 countries (Interview-EU_83).

Of the EU-10 only Romania can draw on considerable domestic gas production while six Eastern newcomers are completely dependent on gas imports. Poland and Hungary produce gas but their 'domestic gas production has at best supplementary characteristics' and can therefore be neglected (Misik 2010: 108). In comparison, of the EU-15 only Denmark, the Netherlands and the UK produce significant amounts of gas. Six 'old' EU member states are fully dependent on gas imports; however, as will be seen in the next section,

they usually do not rely on one gas supplier. Among the gas producing EU member states, Denmark and the Netherlands are even in a position to export gas to other countries.

However, as can be seen from Table 7.1, among the CEECs, four countries (Estonia, Latvia, Lithuania and Slovakia) import 100% of their gas from Russia.

Table 7.1: Imports from Russia as share of primary gas consumption in 2011

	Share of gas in primary energy consumption (in %)	Imports from Russia as share of gas consumption (in %)
EU-15		
Austria	22.67%	65.90%
Belgium	25.54%	2.03%
Denmark	19.58%	0.00%
Finland	9.64%	100.00%
France	14.20%	16.91%
Germany	20.77%	43.11%
Greece	12.50%	68.68%
Ireland	28.87%	0.00%
Italy	35.88%	33.31%
Luxembourg	21.74%	28.00%
Netherlands	44.78%	11.02%
Portugal	19.82%	0.00%
Spain	22.35%	0.00%
Sweden	2.50%	0.00%
UK	35.00%	0.00%
EU-8		
Czech Republic	15.38%	77.71%
Estonia	8.93%	100.00%
Hungary	33.57%	65.00%
Latvia	28.89%	100.00%
Lithuania	36.99%	100.00%
Poland	12.48%	68.98%
Slovakia	28.65%	100.00%
Slovenia	10.96%	57.50%
Other EU member states		
Bulgaria	14.06%	93.33%
Romania	36.72%	22.62%
Average EU-15	22.38%	24.60%
Average EU-8	21.98%	83.65%
Average EU-27	20.83%	42.74%

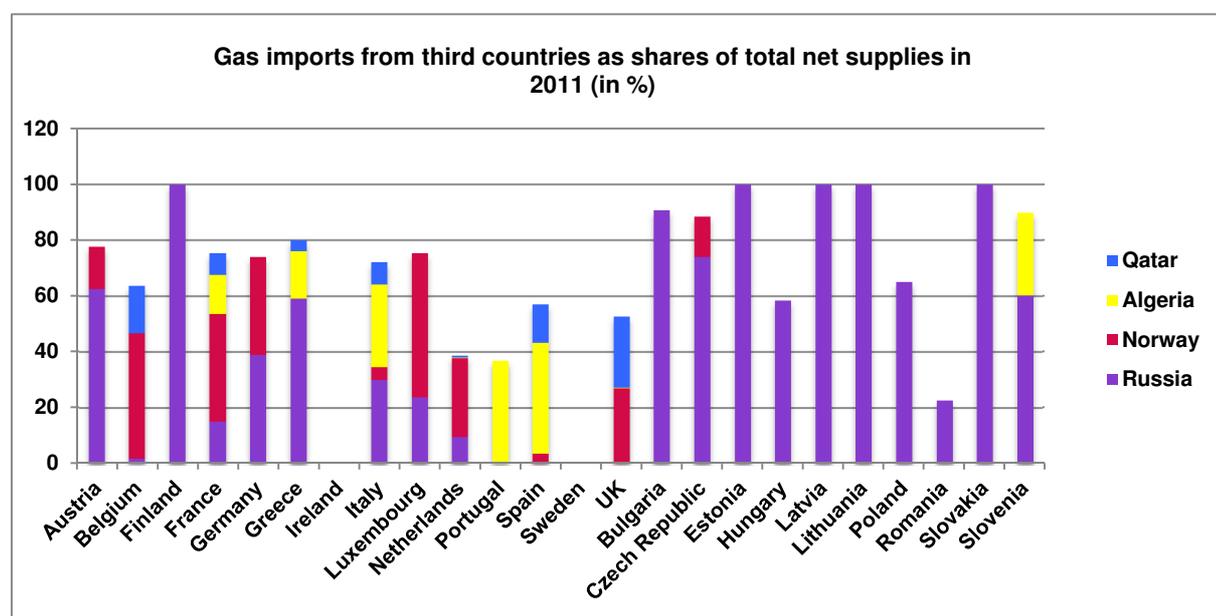
Source: Own calculations based on data retrieved from Eurogas 2012: 2-6. No data available for Malta, Cyprus and Croatia.

Six EU-15 countries including Denmark, Ireland, Portugal, Spain, Sweden and the UK do not rely on any gas imports from Russia.

In addition to the average lower shares of gas imported from Russia, the majority of the EU-15 countries are more diversified and import gas not only, if at all, from Russia but also from Norway, Algeria and Qatar. In contrast, among

the CEECs, only two countries, the Czech Republic and Slovenia, have in addition to Russia, a second, alternative gas supplier. Hungary, Poland and Slovenia at least import minor shares of their gas supplies from other sources as Figure 7.2 shows. The import dependency of the Baltic States is particularly high as these countries not only depend on imports of gas but also of almost all energy sources from Russia including electricity (Misik 2010: 108). The Baltic States are thus ‘least able to respond to gas supply cuts’ induced by Russia (Molis 2011: 8).

Figure 7.2: Gas imports from third countries as shares of total net supplies in 2011 (in %)



Source: Own calculations based on data retrieved from Eurogas 2012: 6. No data available for Cyprus, Malta and Croatia. Ireland imports 96.06% and Sweden 100% of its gas from other sources. Denmark is self-sufficient and relies 100% on domestic gas production.

Another distinctive feature of the CEECs’ import dependency concerns their strained relations with Russia as their single gas supplier. Although several EU-15 countries such as Germany, Italy, France or Austria also import considerable shares of gas from Russia, these countries regard Russia to be a ‘reliable source of gas and oil’ (Smith 2009: 2) and do not necessarily strive to decrease their dependence on it (see also Proedrou 2012: 92; Baumann/Simmerl 2011: 24). In contrast, many CEEC consider Russia to be a threat to their energy security and are keen to reduce their dependence at any price (Mang 2013: 8; Smith 2009).

However, there are subtle nuances in the CEECs' energy relations with Russia. Whereas the Baltic countries, Poland and the Czech Republic usually advocate a tough line towards Russia, Hungary, Slovenia and Slovakia usually promote a more pragmatic approach avoiding substantial politicisation of their energy relations with Russia (Baumann/Simmerl 2011: 24; Misik 2013: 7).⁹⁴ There are several explanations for the difference in the EU-15's and the CEECs' relations with Russia as an energy supplier. Russia usually follows a 'divide and rule' strategy and 'acts differently with different member states' in the area of energy policy (Mang 2013: 2). For Russia, large EU member states such as Germany or France represent more equal negotiating partners than small countries such as the Baltic States or Slovakia having 'the size of a Moscow suburb' (quoted in Misik 2013: 12). Several of the EU-15 countries such as Italy have always maintained friendly and close energy relations with Russia (Ratner et al. 2013: 4). These countries are usually in a much better position to negotiate favourable long-term supply contracts with Russia. The small Eastern newcomers do not have sufficient leverage and capacities to negotiate with countries such as Russia (ECFR 2012: 1; Molis 2011: 5). Table 7.2 shows the differences in the prices Gazprom charges for gas in the EU-15 countries and in the CEECs. This can be regarded as an indication of Russia's dominant position in the energy markets of many CEECs. The differences in the price charged by Gazprom become even more significant when taking into account that the transport distances from Russia to the CEECs are much shorter compared to those from Russia to the EU-15 countries.

Table 7.2: Average price of gas charged by Gazprom in selected EU member states in the first six months of 2012 (in USD per thousand cubic meters)

Average gas price charged by Gazprom			
Selected EU-15 countries		Selected EU-10 countries	
Austria	397.4	Bulgaria	501.0
Denmark	495.0	Czech Republic	503.1
Finland	384.8	Hungary	390.8
France	393.7	Poland	525.5
Germany	379.3	Romania	431.8
Greece	476.7	Slovakia	429.0
Italy	440.0	Slovenia	485.6

⁹⁴ Slovakia, for example, as the only CEEC, regarded Ukraine to be the catalyst for the gas crisis in 2009 (Misik 2013: 7). Slovenia and Hungary are both involved in the construction of South Stream which is regarded as an infrastructure project that will further strengthen Russia's dominant position in the energy markets in Central and Eastern Europe.

Netherlands	371.4		
UK	313.4		
Average price	405.7	Average price	466.7

Source: Data retrieved from Izvestija quoted in Klepac 2013: 6. No data available for the other EU member states.

Although there is no data available for the Baltic States, it can be assumed that the prices Gazprom charges for gas in these countries are even higher than in the other CEECs. As reported by the European Commission, Lithuania, for example, had to pay 15% more for its gas from Gazprom than the average gas price charged in the other EU member states in 2012 (Kanter/Kramer 2013).

The CEECs' deep mistrust of Russia as a reliable energy supplier has its origins in the negative experiences of many Eastern newcomers with Russian energy supplies. Among the CEECs, in particular the Baltic States fear that 'Russian energy policy is becoming an instrument for a "new Russian imperialism"' (Molis 2011: 23). Since 2000, there have been more than 50 cut-offs of energy supplies by Russia concerning mainly the Baltic member states and countries in Central Eastern Europe (Grigas 2013).⁹⁵

With regard to the CEEC' impact on EU energy policy, it can be assumed that these countries will advocate the practical implementation of solidarity in EU energy policy and push for respective EU legislation in order to incorporate this practice. For the Eastern newcomers, the solidarity mechanism in EU energy policy should be based on the possibility of a stronger involvement of supranational EU institutions such as the European Commission in their bilateral negotiations with energy suppliers such as Russia. For the NMS, the Commission's assistance in their bilateral negotiations with third countries on energy-related agreements would not only provide 'protection and additional leverage in negotiations with Russia' (Interview-EU_84) but also enable the EU to 'speak with its energy partners with one voice' (Czech Government 2011: 1).

4.3 Differences in member states' energy infrastructure

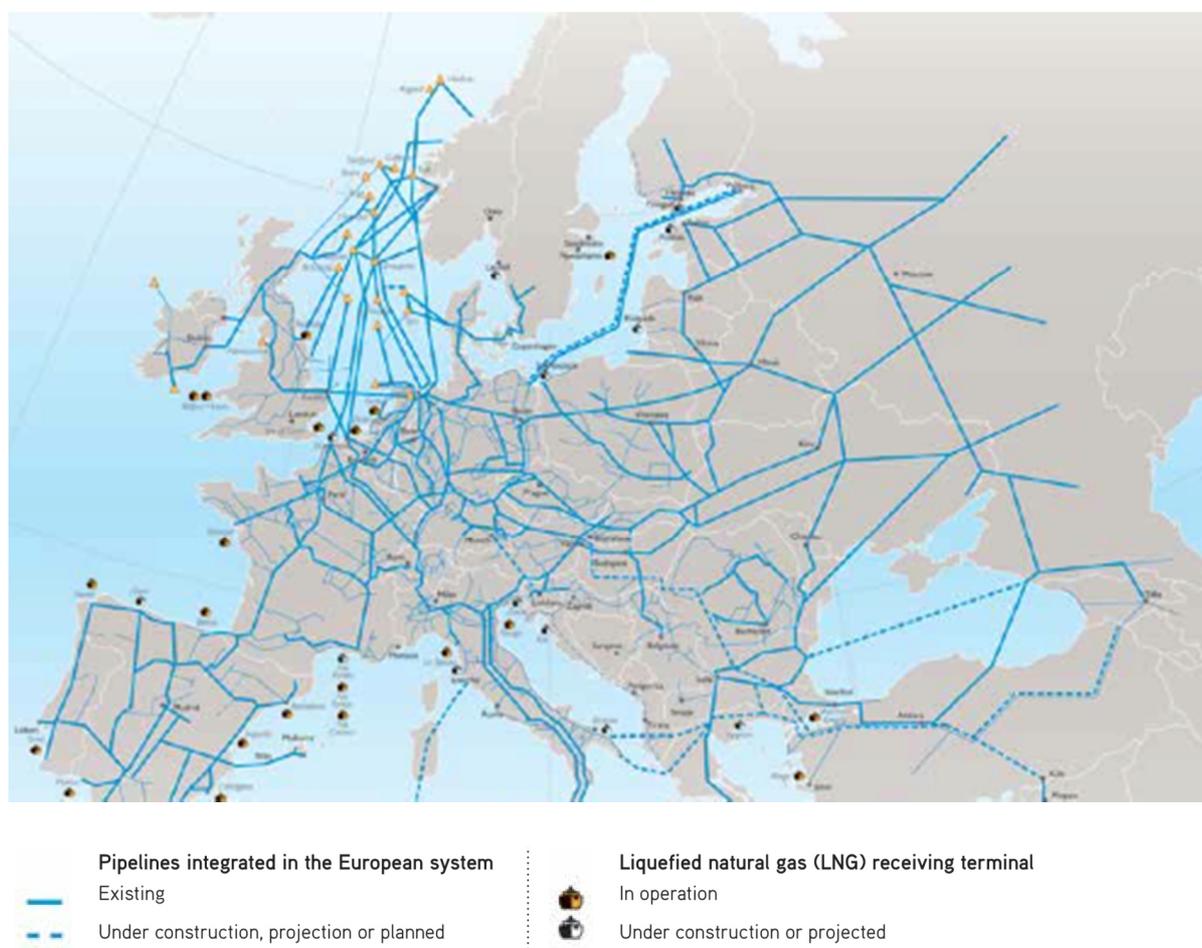
It can be argued that 'energy infrastructure is specific in several ways' (Takac et al. 2013: 1). In addition to being very costly and requiring huge investments, it is supposed to be permanent and cannot be substantially modified once it has

⁹⁵ For a list including all major oil and gas cut-offs by Russia until August 2008, see Reuters 2008.

been established. This applies even more to gas which requires pipelines for its transportation and specific storage facilities. '[G]as transported by pipeline is more rigid' as it is bound to the existing network of pipelines and long-term supply contracts (Mang 2013: 3). For this reason, its trade is limited to the respective region (see, also Misik 2013: 6). There are currently three main corridors through which the EU imports its gas, the Northern corridor supplying gas from Norway (19% of the EU's gas imports), the Western corridor providing gas from Northern Africa (13% of the EU's gas imports) and the Eastern corridor delivering Russian gas (25% of the EU's gas imports) (Devlin/Momot/Tourbach 2012: 184).

Figure 7.3 shows the gas pipelines in the EU in 2012. A comparison of the current gas infrastructure in the CEECs with the network of the gas pipelines in the EU-15 countries reveals several major differences. First, all gas pipelines in the CEECs go from the East (Russia) to the West only. There are no gas pipeline connections in the CEECs going from the North to the South or from the West to the East (Interview-EU_83). The major problem resulting from these one-directional gas interconnections is the CEECs' dependence not only on 'one supplier but often also on one transport route' (Misik 2010: 119). Due to the existing pipeline network inherited from the Communist era and the lack of interconnections to alternative gas pipeline networks in the North and South, the CEECs have no other option than to import gas from Russia. The Baltic States are still integrated in Russian electricity and energy networks with virtually no interconnections to the European energy networks. They therefore represent so called 'energy islands' (Molis 2011: 8; see also B3 2006: 1).

Figure 7.3: Gas pipelines in EU member states, 2012



Source: Eurogas 2012: 11.

The largest amounts of Russian gas are transported via the ‘Brotherhood’ (Bratstvo) pipeline which has a transport capacity of over 100 billion cubic metres per year (Gazprom Export 2014). It runs over Ukraine to Slovakia from where it splits up into two branches. Another major gas pipeline is the Yamal pipeline passing through Belarus and Poland on its way to Germany. In both cases, Ukraine and Belarus represent important transit countries for Russian gas. The share of Russian gas transported via Ukraine to Europe amounts to 80% of all Russian gas exports to Europe. In the case of Belarus, the share accounts for 20% of all Russian gas exports to Europe (Commission 2010a: 2). Due to the geographical proximity to these transit countries and their significant dependence on Russian gas imports, the CEECs are particularly vulnerable to gas supply crises such as the one between Russia and Ukraine in January 2009 (Naumenko 2013: 3).

The CEECs’ gas infrastructure is in general less developed than the gas infrastructure in the majority of the EU-15 countries (see Appendix, Table 9).

This applies not only to the number, length and capacity of the gas pipelines which are significantly higher in the majority of the EU-15 countries than in the CEECs but also to the number and capacity of gas storage facilities (see Appendix, Table 10) in the CEECs compared to the EU-15 countries and the number of LNG terminals.

Among the CEECs only Poland and Lithuania have a LNG terminal (under construction) compared to altogether 19 in the EU-15 countries. However, under the new regulation on guidelines for trans-European energy infrastructure (TEN-E) the construction of a regional LNG terminal in one of the Baltic States is listed as a PCI project eligible for applying for EU funding (Commission 2014b: 14f.).

All these indicators suggest that the CEECs suffer from energy 'infrastructure bottlenecks and poor integration into the rest of the EU energy market' (Takac et al. 2013: 2). The development of diversified gas interconnections linking the CEECs to the gas pipeline networks in the North and South requires significant investments in new energy infrastructure projects. The CEECs only have limited capacities for covering these costs by drawing on their domestic markets. In contrast to the EU-15 countries, for the CEECs it is difficult to shift the costs of new energy infrastructure investments to the consumers. The gas markets in these countries are too small and too fragmented for attracting private or commercial investors (Takac et al. 2013: 3). In addition, almost all CEECs with the exception of the Czech Republic and Slovenia have still regulated energy prices which makes their energy markets even less attractive for private or commercial investors. For this reason, the CEECs are dependent 'on public financing in order to ensure the security of supply' (Interview-EU_84).

Another major difference between the EU-15 countries and the CEECs in terms of energy infrastructure is related to their preferences as to key gas infrastructure projects to be implemented. There are several competing gas infrastructure projects discussed at the EU level. In general, it can be distinguished between those EU gas infrastructure projects involving third countries and those which only refer to the establishment of gas interconnections among EU member states.

One of the major future gas infrastructure projects involving third states represents the establishment of the Southern Gas Corridor which was

suggested by the European Commission in 2008 (Devlin/Momot/Tourbach 2012: 188). The Southern Gas Corridor comprises several gas infrastructure projects such as Nabucco, TAP (Trans Adriatic Pipeline), the ITGI (Interconnector Turkey-Greece-Italy) and White Stream aiming at providing Europe with gas from the Caspian region and the Middle East (*ibid.*; De Jong 2013: 16).⁹⁶ Nabucco has represented the flagship project of the Southern Gas Corridor and was the CEECs' 'most cherished child' as it represented a true alternative to gas imports from Russia (Baumann/Simmerl 2011: 23). However, finally it was dismissed to the benefit of the Trans Adriatic Pipeline TAP (EurActiv 2013a).

Two other major gas energy infrastructure projects that are highly contested among the EU member states include the 'Nord Stream' and the 'South Stream'. Both are Russian-led projects. Nord Stream has been already implemented. It transports gas from Russia via the Baltic Sea directly to Germany bypassing Belarus, Lithuania, Ukraine and Poland (Nord Stream 2014; Ratner et al. 2013: 1). South Stream is still at the planning stage. It is supposed to supply Russian gas over the Black Sea and Bulgaria to Serbia, Hungary, Slovenia and Italy (South Stream 2014).

Although already operational, the construction of the Nord Stream pipeline was highly contested among EU member states. Poland and the Baltic States were opposed to its construction as Nord Stream leaves them aside and from their point of view only further increases the EU's dependence on Russian gas imports. Against this background, the Polish Minister of Foreign Affairs regarded Nord Stream as 'a waste of European consumer's money' (quoted in EurActiv 2010a). The construction of South Stream is contested not only among the CEECs themselves but also among EU institutions. Whereas Austria, Greece, Bulgaria, Hungary and Slovenia support the project providing 'at least an alternative transport route for gas' (Interview-NMS_89), several of the CEECs regard it as a further attempt by Russia to strengthen its position as the major gas supplier in Europe (Proedrou 2012: 84). The European Commission itself questions the necessity of South Stream, arguing that the project is 'not well defined' and does 'not help to solve the problem with regard to diversification' (Interview-EU_84). In December 2013, the European

⁹⁶ TAP is supposed to supply gas from the Caspian region passing through Greece, Albania, crossing the Adriatic Sea on its way to Italy (TAP 2012).

Commission further came to the conclusion that all bilateral agreements between the respective EU member states and Russia within the framework of South Stream are not in line with the EU energy acquis and need to be renegotiated (EurActiv 2013b).

Two EU gas infrastructure projects related to the establishment of gas interconnections among EU member states are BEMIP (Baltic Energy Market Interconnection Plan) and the North-South gas interconnection in Central-Eastern Europe. Both were first taken up in the Commission's second strategic energy review in 2008. BEMIP aims at integrating the Baltic States into the EU energy market. In the gas sector, it envisages the construction of a regional LNG terminal and the construction of several gas pipelines among the Baltic States and between the Baltic States and neighbouring EU countries such as Poland (Zsigri 2012). The North-South interconnection initiative in Central-Europe involves the construction of various gas interconnectors among the Visegrád countries and the set-up of an interconnection between the Polish LNG terminal in Swinoujscie and the planned Adriatic LNG terminal in Croatia via the Czech Republic, Slovakia and Hungary.⁹⁷

In terms of the Eastern newcomers' impact on EU energy policy, it can be assumed that in particular the Baltic States will push for a strong EU commitment to a concrete deadline for the elimination of energy islands within the EU. The Baltic States will further promote their integration into the European energy networks within the framework of BEMIP. In addition, the CEECs will likely advocate the expansion of the EU energy acquis to third countries such as Ukraine, Moldova and Georgia within the framework of the Energy Community. Because of the CEECs' geographical proximity to these countries and their importance as major transit countries for energy supplies from Russia, the NMS have a particular interest in making sure that these Eastern neighbours adopt EU energy rules and are stable transit countries for energy supplies (Interviews-EU_83 and NMS_90).

Due to their less developed gas infrastructure and their excessive dependence on gas imports from Russia, it is likely that that the CEECs will have a strong interest in measures leading to a stronger integration of them in the EU's energy network (Interview-EU_83). This will apply not only to the

⁹⁷ For a detailed list of all gas infrastructure projects related to the North-South gas interconnections in Central-Eastern Europe, see Commission 2011g.

particular kind of gas infrastructure projects they promote at the EU level but also to the relevant provisions on the allocation of EU funding for these projects under the new TEN-E regulation. In general, it can be expected that with the exception of South Stream, they will only support gas infrastructure projects that do not involve Russia as a supplier, namely those within the framework of the Southern Gas Corridor. As outlined above, for the CEECs diversification requires 'non-Russian gas coming through non-Russian controlled pipelines' (Proedrou 2012: 9). Moreover, it is likely that the CEECs will try to draw the Commission's attention to the infrastructure projects within the framework of the North-South gas interconnections in Central-Eastern Europe. The CEECs will try to make sure that the new TEN-E regulation includes financing possibilities for these infrastructure projects and that all these projects are included in the PCI list making them eligible to apply for them (Interview-NMS_90).

5. Conclusions

This chapter has demonstrated that the EU-8 significantly differ from the EU-15 countries in terms of their dependence on energy imports, their energy suppliers as well as their energy infrastructure and their possibilities for diversification. Due to the low shares of renewables and high shares of nuclear energy and/or fossil fuels in the energy mix of some CEECs, it can be expected that these countries will show a strong interest in preserving their right to determine their energy sources. They will likely oppose any attempts by the Commission to raise its climate change targets as energy efficiency represents an area where they still lag behind. In their calls for keeping the determination of energy mix a national competence it can be assumed that they will be able to draw on the support of the large EU-15 countries.

Due to their high dependence on gas imports from Russia and their limited bargaining power in negotiations with this third country, the EU-8 can be expected to push for a stronger involvement of the Commission in negotiations on energy agreements and more coordination and transparency in member states' external energy relations with third countries. With regard to these two demands the EU-8 will likely encounter strong opposition from several large EU-15 countries which are keen to maintain bilateral relations with important energy suppliers.

As this chapter has set out, the EU-8 countries are not sufficiently integrated into the EU's energy infrastructure network. In order to build up their energy infrastructure, they will try to secure EU funds and bind the EU to concrete deadlines for the elimination of energy islands. With regard to earmarking EU funds for their energy infrastructure, the EU-8 will likely have limited possibilities for coalition-building with the EU-15 countries which promote liberalised and competitive energy markets.

If material sources are decisive for member states' impact the EU-8 will likely have modest impact on the substance of the EU's energy security policy limited to the agenda-setting stage. Based on the differences in the EU-15's and EU-8's approaches to energy security, the CEECs will probably have limited possibilities for coalition-building with the 'old' member states on aspects such as a stronger involvement of the Commission, EU funding for energy infrastructures or measures containing Russia's dominant market position. Due to their vulnerability to supply disruptions, it is likely that the CEECs will be more interested and dependent on securing particular policy outcomes in this area than the EU-15. For this reason it can be expected that they will be willing to devote significant resources in order to secure these outcomes.

If ideational sources matter for member states' impact on the substance of EU energy security policy, the CEECs will be in a good position to present credible arguments in favour of projects contributing to their stronger integration into the EU's energy network and will likely have an impact at the decision-making stage. However, it can be expected that they will have difficulties in framing their initiatives as of added value for the whole EU as other EU-15 are rather concerned about different energy problems.

Due to the fact that EU energy security is an emerging area of EU foreign policy and the differences between the EU-8 and EU-15 in this area, the EU-8's impact on the content of this policy can be expected to be mainly divisive and/or innovative.

To what extent these expectations match reality will be examined in the next chapter which will analyse the EU-8's impact on the EU's energy security policy.

Chapter 8

The impact of the Central and Eastern European EU member states on the EU's energy security policy

1. Introduction

As demonstrated in chapter 7 the eight Eastern newcomers which acceded to the EU in 2004 are 'more exposed to the risk of supply disruptions' due to their insufficient and one-directional energy infrastructure system running from the East to the West (Interview-EU_86). For this reason they were expected not only to become 'the drivers for a physically integrated [energy] market' but also advocates for a stronger EU energy security policy (Buchan 2010: 373; Maltby 2013: 435).

The following chapter aims to identify and evaluate the EU-8's impact on the substance of EU energy security policy along the three categories: regional coverage, policy objectives and priorities as well as policy instruments. Moreover, it seeks to shed light on the question as to why the EU-8 countries have sometimes succeeded in having an impact on EU energy security policy and other times not.

This chapter cannot cover all the EU-8's attempts to shape the content of EU energy security policy according to their preferences. In terms of energy sources it is limited to gas. As shown in chapter 7, gas is one of the most problematic energy sources for the Eastern newcomers. In terms of the EU-8's impact attempts this chapter focuses on those aspects of EU energy security policy on which the CEECs significantly differ from the EU-15 and on which they have strong preferences. As demonstrated in chapter 7, these aspects concern the EU-8's insufficiently developed regional energy infrastructure, their strong interest in securing EU funding for their energy infrastructure projects, their calls for more transparency, coordination and coherence in the EU's energy security policy as well as their strong interest in containing Russia's leverage as the main energy supplier.

For this reason section 1 which deals with the EU-8's impact on the regional coverage of EU energy security concentrates on the EU-8's attempts to draw the EU's attention to energy infrastructure problems in their region

including the need to eliminate energy islands and the establishment of the Baltic Energy Market Interconnection Plan (BEMIP) as well as the North-South energy interconnections in Central-Eastern Europe.

Section 2 examines the EU-8's impact on the priorities of EU energy security focusing on the EU-8's attempts to further promote the development of the external dimension of EU energy policy. Within the framework of a case study on the CEECs' impact on the 'Council conclusions on strengthening the external dimension of the EU energy policy' of 24 November 2011 it analyses what accounts for the EU-8's success and failure in shaping EU foreign policy outcomes according to their preferences. The conclusions represent so far the first Council conclusions dealing explicitly and exclusively with the external dimension of EU energy policy.

Section 3 assesses the EU-8's impact on the instruments of EU energy security policy paying particular attention to the EU-8's attempts to shape several of the provisions of the new TEN-E regulation according to their preferences and their impact on the establishment of the information exchange mechanism on IGAs. As outlined in chapter 7, securing EU funds for energy infrastructure projects is a top priority of the EU-8 in EU energy security policy. Moreover, the EU-8 wants to limit Russia's bargaining power in negotiations on energy infrastructure. In order to address the question of what accounts for the EU-8's varying impact this section draws on a case study which analyses why the EU-8 failed to shape key provisions on the establishment of the information exchange mechanism on IGAs according to their preferences.

This chapter deliberately leaves several cases of the EU-8's attempts to affect the content of EU energy security policy out. It neglects the EU-8's impact on the content of the Security of Supply (SOS) regulation of October 2010. While the SOS regulation at first glance appears a reasonable choice, it represents the outcome of the EU's response to the Ukrainian-Russian gas crisis in 2009. Moreover, this chapter does not examine the EU's impact on the negotiations related to the Nabucco pipeline as the first discussions on this pipeline go back to 2002 and does not fall into the period of time analysed in this thesis. In addition, this chapter leaves out the EU-8's attempts to include a reference to solidarity in energy policy as included in the Lisbon Treaty and the EU-8's attempts to prevent the adoption of EU legislation on the exploitation of shale gas or decarbonisation. The EU-8's impact on the inclusion of solidarity

related to energy in the Lisbon Treaty has already been covered elsewhere (see, for example, Roth 2011 and Maltby 2013). The EU-8's attempts to prevent the EU from adopting higher targets for the reduction of CO₂ emissions form part of the third strand of EU energy policy, climate change (Buchan 2010: 374).⁹⁸

2. The CEECs' impact on the regional coverage of EU energy security policy

The CEECs not only suffer from an excessive dependency on one single energy supplier but also from a lack of necessary energy infrastructure that would enable them to diversify their supplier countries and transport routes as demonstrated in chapter 7 (Commission 2010c: 10). The CEECs' pipeline system built in the 1960s represents a relic of their Communist past allowing for a transport of oil and gas in one direction only (Virág 2009: 29). The gas crises of 2006 and 2009 further highlighted the urgency of upgrading these countries' energy infrastructure in order to enable bidirectional energy flows as well as energy flows from the North to the South and vice versa. The following subsection examines the Baltic States' and the CEECs' attempts to draw the EU's attention to energy infrastructure problems in their region.

2.1. The Baltic States' call for eliminating energy islands

The Baltic States are energy islands. They lack 'any gas and electricity interconnections with other EU Member States' (B3 Prime Ministers 2006: 1). As a consequence they cannot take part in the EU's internal energy market. They are therefore particularly exposed to the risk of supply disruptions. The necessity of shutting down the Ignalina nuclear power plant in Lithuania further aggravated their energy security situation (Zsigri 2012: 225). For this reason, the Baltic States have attempted 'to put the topic of energy islands high on the EU's agenda' since their accession to set a concrete deadline for their elimination by 2015 (Interview-EU_88). As they are not the only energy islands within the EU, they have managed to build alliances with other EU member states such as Malta, Cyprus, Ireland, Portugal, Spain and the UK. Jointly with

⁹⁸ For the EU-8's impact on these aspects of EU energy policy, see, for example, Mock 2014; Krukowska/Bakhsh 2014; Levitin 2008; Gilbert 2009.

the other energy islands the Baltic States have aimed to highlight the particular status of energy islands and increase the pressure on the EU to set a concrete deadline for their elimination. In this they have succeeded, for the first time in 2006. Many Commission communications, Council and European Council conclusions as well as legislative acts refer to energy islands and in several cases also to the deadline for their elimination after 2015.⁹⁹ Moreover, the emphasis on energy islands represents a new aspect of the regional coverage of EU energy security. While there were already energy islands in the EU before the EU's Eastern enlargement such as the UK, EU documents did not acknowledge their special status.

Shortly after their accession to the EU the Baltic States called on the European Commission to 'define appropriate measures' leading to a reduction of their import dependency on one supplier and their integration into the EU's internal energy market (B3 Prime Ministers 2006: 1). Among the Baltic States Lithuania was at that time in a particularly difficult situation and sought new energy transport routes and sources in order to compensate for the loss of electricity generated by the Ignalina power plant. For this reason it approached the European Commission by the end of 2007, and elaborated BEMIP (Interview-NMS_78).

BEMIP can be regarded as 'one of the most visible instruments' of the Baltic States' attempts to turn the EU's attention to their energy infrastructure problems (Interview-NMS_94). It involves altogether eight countries from the Baltic Sea region including Lithuania, Latvia, Estonia, Finland, Germany, Poland, Sweden and Denmark. It was officially launched in November 2008 by the Commission's President Barroso. The main objective of BEMIP has been to identify concrete energy infrastructure interconnections promoting the development of these countries' gas and electricity markets and enabling their integration into the EU's internal energy market (MoU BEMIP 2009: 1). For this purpose, a High Level Group on BEMIP was set up in November 2008. The High Level Group suggested concrete energy infrastructure projects leading to an enhanced security of supply in the Baltic States (Commission 2013a: 3; also Zsigri 2012: 222). An Action Plan was approved by the eight EU member states

⁹⁹ See, for example, the European Council 2008: 7; European Council 2011d: 2; European Council 2011b: 3; Council 2011c: 7; European Council 2013: 1; Council 2012b: 6; European Parliament and Council 2009a: 105; European Parliament and Council 2010: 2 and European Parliament and Council 2013: 39.

in June 2009. In June 2009 the respective Heads of State and Commission President Barroso signed a Memorandum of Understanding on BEMIP. The Commission's commitment to the initiative has not only resulted in the integration of BEMIP into its energy infrastructure communications but also in its designation as a priority energy infrastructure corridor making it eligible for EU funds. Already in its second strategic energy review of November 2008 the Commission referred to the development of a 'Baltic interconnection plan' as a priority infrastructure action (2008b: 2). It further identified BEMIP as an energy infrastructure priority in its communication of November 2010 (2010c: 13). Finally, BEMIP was included as a priority energy infrastructure corridor in the Commission's proposal for the new TEN-E regulation (TEN-E Regulation) of October 2011 making BEMIP infrastructure projects eligible for EU funding (2011e: Annex I).

BEMIP is hailed as a 'concrete result of the Baltic States' impact on EU energy policy' (Interview-NMS_94; also EU_82 and EU_84). However, it should be noted that it has not been controversial among EU member states (*ibid.*). No EU member state has opposed it. In addition, it is an initiative that has been 'supported and facilitated by the Commission' (Zsigri 2012: 223).

2.2 The Visegrád countries' attempts to promote energy interconnections in Central-Eastern Europe

The gas crises of 2006 and 2009 demonstrated the lack of necessary internal energy infrastructure among the Eastern newcomers in order to bring 'gas where it is needed' (Kordasiewicz 2009: 4). The effects of the gas crises could have been significantly mitigated if the CEECs concerned such as Poland, Slovakia and Hungary had been able to draw on internal pipelines connecting these countries, the interconnectors, as well as reverse flow capacities. The construction of respective interconnectors appeared necessary not only for enabling these countries to better respond to future disruptions but also for enabling them to distribute the gas which is supposed to come from the Caspian region within the framework of the Southern Gas Corridor (Interview-NMS_92).

During a meeting in 2008 the Visegrád countries started to discuss possibilities for building new gas pipelines and electricity networks in their region leading to a better interconnection and integration of their gas and

electricity markets. The main objective was to identify concrete new energy infrastructure projects in order to remove 'internal bottlenecks for gas transport' in the region (EurActiv 2011a). In February 2010 the Visegrád countries together with Slovenia, Bulgaria, Romania, Austria and three countries from the Western Balkans declared in Budapest their support for the promotion of 'North-South [gas] interconnections through all V4 countries' as well as between the planned LNG terminals on Krk (Croatia) and in Swinoujscie (Poland) (V4+ 2010: 2). As a follow-up to the declaration, the Visegrád countries began to elaborate a list including new energy infrastructure projects which could significantly contribute to an enhanced security of gas supplies in the region.

In order to draw the EU's attention to these energy infrastructure projects and secure EU funding for their implementation, they sent a letter to EU Commissioner for Energy in September 2010. The letter asked the Commission to support the North-South gas interconnections and consider the initiative when drafting the Energy Action Plan and the energy infrastructure and security package (Confidential-NMS_26: 2).

In the meantime, in February 2011, a High Level Group for North-South energy interconnections in Central-Eastern Europe and three working groups supporting the work of the HLG were set up. To underline their commitment to the initiative, the representatives of the Visegrád countries together with their counterparts from Austria, Germany, Slovenia, Bulgaria, Romania and Croatia as well as the EU Commissioner for Energy signed a Memorandum of Understanding on the North-South energy interconnections in Central-Eastern Europe in November 2011. At the same time an Action Plan including all key energy infrastructure projects to be built in the region was approved.

Like BEMIP the North-South interconnections in Central-Eastern Europe were identified in the Commission's second strategic energy review of November 2008 as a priority infrastructure action (2008b: 5). The North-South gas interconnections as well as a reference to 'internal bottlenecks' were further included in the security of gas supply regulation of October 2010 (European Parliament and Council 2010: 2 and 10). The Commission designated the initiative as a priority energy infrastructure corridor in its communication of November 2010 (Commission 2010c: 14). Finally, the North-South interconnections in Central-Eastern Europe were listed as one of the twelve energy infrastructure priority corridors in the Commission's proposal for the new

TEN-E regulation of 2011 making them eligible for EU funding (European Commission 2011e: Annex I).

To sum up, the inclusion of the North-South interconnections in Central-Eastern Europe in relevant Commission communications as well as regulations demonstrates that the CEECs have succeeded in drawing the EU's attention to their particular energy infrastructure problems and secure funding for their implementation. Moreover, due to the inclusion of the initiative in legally binding documents such as the security of supply regulation or the new TEN-E regulation their impact has not been only limited to soft law instruments. It also concerned legislative acts. They elaborated 'the preliminary design of the North-South Energy Corridor' and laid the groundwork for its implementation at the EU level (V4 2011: 1). This steered and affected the process leading to the inclusion of this initiative in several energy-related EU communications as well as legally binding documents (Interview-NMS_103). However, the North-South interconnections in Central-Eastern Europe did not encounter any major opposition from the EU-15 countries (Interview-EU_84). The Western EU member states benefit from the counterpart project, the North-South interconnections in Western Europe. For this reason, the initiative had limited implications for the regional balance of the EU's energy security policy. The Visegrád countries did not need to lobby for the initiative or convince the Commission of its added value. As admitted by an EU official, 'the priority was there' (Interview-EU_84). The Visegrád countries approached the Commission with their list of key energy infrastructure projects at a time 'when the Commission wanted to work on the region' anyway (Interview-EU_103).

Both BEMIP and the North-South interconnections in Central-Eastern Europe have led to more regional diversification in the EU's energy security policy but have not resulted in a different prioritisation of the regions. Comparable interconnection frameworks were set up for Western Europe. All three outcomes clearly reflect the preferences of the CEECs. They can be classified as cases of considerable or medium impact impact. However the impact cannot be ascribed to the EU-8's efforts only. In all three cases the EU-8 had the Commission on their side. Moreover the initiatives did not go against the interests of the EU-15 countries. With regard to the deadline for the elimination of energy islands the Baltic States managed to build a coalition with several large EU-15 countries such as Spain and the UK.

3. The EU-8's impact on the priorities of EU energy security policy

The development of an explicit external dimension of EU energy policy has experienced a significant increase in importance and popularity in recent years. As demonstrated in chapter 7, the EU-8 attaches great importance to the promotion and development of the EU's external energy policy in order to increase their energy security. The promotion of the EU's external energy policy was also a key priority of the Hungarian and Polish Council Presidency (see Vandecasteele 2012: 9ff.; Romsics 2011: 85; Kaczynski 2011b: 23).

3.1 The adoption of the Council conclusions of November 2011 – an attempt by the CEECs to turn the development of the EU's external energy policy into a priority of EU energy security

In February 2011 the European Council adopted conclusions including an unusually explicit and long paragraph on the EU's external energy relations. These were followed by the first exclusive and extensive conclusions 'on the strengthening of the external dimension of the EU energy policy' which were adopted by the Council on 24 November 2011 and approved by the European Council in December 2011 (Van Vooren 2012: 24; Belyi 2012: 8). Both documents have provided a significant boost to the EU's external energy policy. In particular the Council conclusions adopted in November 2011 were regarded as an attempt to turn the promotion of EU external energy policy into a priority of the EU's energy security policy. While formally adopted under the Polish Council Presidency, they represent an outcome of coordinated action between Poland, Lithuania and the Slovak Republic (Interview-NMS_101).

The Council conclusions of November 2011 are the first in a series of three in total dealing exclusively with the external dimension of EU energy policy. Together with the European Council conclusions of February 2011, they serve as the most important points of reference for the EU's external energy policy. Moreover, this document explicitly calls for 'consistent and coordinated messages' of the EU and its member states not only towards supplier countries but also in all respective international organisations and fora such as the International Energy Agency (IEA), the International Atomic Energy Agency (IAEA), the International Renewable Energy Agency (IRENA), the Energy Charter Treaty, the G8, the G20 or the International Energy Forum (IEF)

(Council 2011b: 3). These Council conclusions for the first time include a concrete reference to the possibility of conducting ‘negotiations concerning energy agreements with third countries at EU level’ enabling the Commission to ask for authorisation from the Council to enter into negotiations on key energy infrastructure projects with third countries (Council 2011b: 4). While there were early signs pointing in this direction included in the European Council and Council conclusions of February 2011, the references were far less explicit than in the Council conclusions of November 2011.

The following section analyses within the framework of a case study which provisions included in the Council conclusions of November 2011 the CEECs managed or failed to shape according to their preferences and what accounts for their limited impact, material, institutional or ideational sources. The section starts with an overview of the CEECs’ preferences with regard to the key provisions of these ‘meticulously drafted’ conclusions (Van Vooren 2012: 24). The second subsection aims to assess to what extent, and on which provisions of the Council conclusions, the CEECs failed or succeeded in having an impact. Finally, it is analysed why the new member states only had limited impact on key provisions of the Council conclusions.

3.1.1 The EU-8’s preferences with regard to the key provisions of the Council conclusions

Poland and Lithuania as well as Slovakia had a strong interest in putting the external dimension of EU energy policy high on the EU’s energy security agenda. The adoption of the Council conclusions was supposed to be presented as the success of the Polish Council Presidency (Vandecasteele 2012: 15). For this reason, Poland had to ensure that the Commission published a respective Communication before the start of its Council Presidency. The obvious way to do so was to get a reference in Council conclusions urging the Commission to elaborate such a communication in advance. The Commission communication was important as it set the stage for the work on the Council conclusions.

With regard to the concrete content of the Council conclusions at the decision-making stage all CEECs were strongly in favour of the EU speaking with one voice in energy-related international organisations and fora. Poland, for example, was keen to ensure ‘a uniform position’ of the EU and its member

states in energy-related international organisations (Polish Ministry of Economy 2011a: 9). As a minimum it wanted a reference to the adoption of 'joint lines to take and other papers' in the run-up to all high level meetings within the framework of all energy-related international fora including the Energy Charter Conference (Interviews-NMS_101 and NMS_102). Likewise, Lithuania pointed to the need for the Commission and the EU member states to have 'coordinated and consolidated positions' in order to make its voice heard in international energy agencies (Lithuanian Government 2011: 4).

There are two main reasons accounting for the CEECs' particularly strong interest in 'consistent and coordinated messages' of the EU towards third countries and in energy-related international organisations (Council 2011b: 3). First, several of the Eastern newcomers are not members of the IEA, the IEF and the International Partnership for Energy Efficiency (IPEEC). Estonia, Lithuania, Latvia and Slovenia are not members of the IEA. Hungary only in January 2014 applied for membership of IRENA. The Slovak Republic, Slovenia, Estonia, Lithuania and Latvia are not members of the IEF either. They are therefore keen to ensure that the EU speaks 'with one voice, whenever possible in order to get their views represented' in these fora (Interview-EU_97). Second, there are only few international organisations and fora in which the EU is legally bound to speak with one voice such as the Energy Community. In the Energy Charter Conference the EU's 'duty to cooperate is rather soft' (Interview-EU_97). However, the CEECs regard the Energy Charter Treaty as one of those areas 'where a common single voice [of the EU] is particularly important' (Interview-NMS_102).¹⁰⁰ From the CEECs' point of view, it is essential to have a legal basis for the EU's energy cooperation with Russia. As the EU's negotiations with Russia on a new PCA including a strong chapter on energy cooperation have been suspended, the Energy Charter Treaty represents a temporarily viable alternative.

Another common preference of the CEECs was related to a reference in the Council conclusions to the possibility of concluding energy agreements with third countries at EU level. From Poland's point of view, the EU should 'act as an initiator and coordinator of the expansion of international energy raw material supply routes' (Polish Ministry of Economy 2011a: 5). The Polish government

¹⁰⁰ It should be noted here that Russia has not ratified the Energy Charter Treaty and officially stopped applying it in October 2009.

pointed to the possibility of involving the EU in negotiations with third countries on energy infrastructure projects which are 'of highest significance for the EU (e.g. Nabucco)' (*ibid.*: 6). In the same vein, Lithuania strongly advocated a leading role for the European Commission in the development and implementation of energy infrastructure projects with third countries arguing that the EU 'should pool financial, economic and diplomatic efforts' in order to accelerate the implementation of such projects (Lithuanian Government 2011: 3). Latvia and the Czech Republic were also in favour of negotiating energy infrastructure agreements with third countries at EU level. The Czech Republic, for example, regarded the visit of Commission President Barroso to Baku resulting in the signing of the declaration on the development of the Southern Gas Corridor as 'highly positive and important' (Czech Government 2011: 2). It explicitly asked the Commission 'to continue its efforts to facilitate the development' of such key energy infrastructure projects (*ibid.*).

A precedent for such a procedure was set by the Council's decision to authorise the Commission to open the negotiations with Azerbaijan and Turkmenistan on the Trans-Caspian pipeline in September 2011. Many CEECs wanted this procedure to become common practice.

A third common preference of the CEECs concerned a reference in the Council conclusions to the availability of EU funds for energy infrastructure projects not only on their own territory but also in neighbourhood countries such as Ukraine. Poland stressed, for example, in its response within the framework of the consultation procedure that the EU 'should be able to grant financial support for the expansion of significant energy infrastructure' (Polish Ministry of Economy 2011a: 5). It wanted a reference to 'diversification infrastructure funded by the European Union' (Interview-NMS_101). For many CEECs the availability of EU funds for energy infrastructure projects forms a core aspect of solidarity in EU energy policy as outlined in chapter 7.

Another important aspect for Poland was the availability of EU funds for the modernisation of energy infrastructure in Ukraine. As admitted by a Polish official, 'the reference to Ukraine in connection to the infrastructure packages constituted a red line' for Poland (Interview-NMS_101). Lithuania also pointed to the need for the EU to provide funds for the modernisation and development of energy infrastructure in neighbourhood countries (Lithuanian Government 2011: 3).

A further important request of the CEECs concerned the enlargement of the Energy Community. They specifically wanted a reference to Armenia, Azerbaijan, Georgia, Turkey as well as Belarus in this regard. Poland argued within the framework of the consultation procedure for an accelerated accession of Turkey and Georgia to the Energy Community and for a further expansion of it to Armenia, Azerbaijan and Belarus (Polish Ministry of Economy 2011a: 2). The other CEECs strongly supported this request. Lithuania regarded the expansion of the Energy Community to EU neighbours such as Belarus as vital (Lithuanian Government 2011: 2). The expansion of the Energy Community to the Eastern neighbours is particularly important for the CEECs in contrast to many EU-15 countries for several reasons. As outlined in chapter 7 all energy supplies from Russia to the CEECs are transported via Ukraine and Belarus. Moreover, if the Eastern neighbours apply EU energy rules, it limits Russia's possibilities for influencing them. As admitted by an official from a CEEC, 'One step [by the Eastern neighbours] towards Europe [and the Energy Community] means always one away from Russia' (Interview-EU_82).

3.1.2 What the CEECs achieved

At the agenda-setting stage Poland together with some other CEECs managed to secure a reference in the Council conclusions of May 2010 requesting the Commission to 'submit a comprehensive analysis of the external dimension of the European energy policy' (Council 2010c: 2). The reference was included at the insistence of Poland and the other CEECs (Interview-NMS_101). On 7 September 2011 the Commission published its Communication entitled 'On security of energy supply and international cooperation' (Commission 2011m). Moreover, Poland, the Czech Republic, Latvia and Lithuania used the public consultation procedure organised in preparation of the Commission's communication in spring 2011 in order to ensure that their priorities are included in the document.

At the decision-making stage the CEECs' success in pushing through their preferences with regard to the key stipulations of the Council conclusions varied from provision to provision. With regard to requests for coordinated positions of EU member states in energy-related international organisations, the CEECs' success can be regarded as limited. The final provision included in the

Council conclusions stipulates that ‘the EU and its Member States should seek to develop consistent and coordinated messages [...] for high level meetings’ of international organisations such as IEA, IAEA, IRENA and the Energy Charter Conference but only ‘on a case by case basis’ and by ‘taking due account of the characteristics of these organisations and fora’ (Council 2011b: 3). The word ‘seek’ implies that the EU member states should try to coordinate their positions for high level meetings but do not need to. In addition, EU member states can decide to coordinate their positions on a case by case basis, what represents a further limitation to the duty to coordinate. As admitted by an official, the CEECs ‘wanted to have stronger wording here, referring to “lines to take” [...] at least’ (Interview-NMS_101). Moreover, the CEECs wanted EU member states to adopt the lines to take ‘on a regular basis’ (Confidential-EU_22: 2). Thus, the CEECs managed to get a reference on coordinated positions of EU member states to be presented within the framework of high-level meetings of energy-related international organisations but the provision does not oblige EU member states to speak with one voice if they do not want to.

With regard to the possibility of concluding agreements with third countries at EU level in order to promote the diversification of supply countries and routes, the CEECs only partially succeeded in making their voice heard at the decision-making stage. In its conclusions the Council considers the possibility of negotiating energy agreements at EU level but ‘on a case by case basis’ (2011b: 4). Apart from the limitation ‘on a case by case basis’ this provision corresponds well to the CEECs’ preference. However, this reference should be read in conjunction with another provision included the Council conclusions, underlining that the adoption of the conclusion neither affects ‘the distribution of competences [...] between the EU and its Member States’ nor ‘the decision-making procedures’ with regard to ‘the adoption of EU positions by the Council’ and ‘the conclusions of agreements by the EU’ (Council 2011b: 2). This additional reference clearly weakens the two provisions outlined above. As stated by an official from a NMS, from the CEECs’ point of view ‘there should be room for manoeuvre’ in this regard. The CEECs were interested ‘in blurring the competences’ in order to give the EU, in particular the Council and the Commission, more competence in the external dimension of energy policy (Interview-NMS_101).

To sum up, the provisions on coordinated positions to be presented in high-level meetings and the possibility of concluding energy agreements with third countries at EU level were to a certain extent offset by the reference to this very clear division of competences.

With regard to the availability of EU funds for energy infrastructure on their own territory and in neighbourhood countries, the CEECs managed to push through two references but they were only adopted in a diluted form. While the CEECs underlined the need for EU budget instruments to support energy infrastructure projects contributing to diversification of suppliers and transport routes, the final provision included in the Council conclusions stipulates EU support can 'only be envisaged [...] in limited and well defined circumstances, for projects that are unable to attract enough market-based finance' selected on a case by case basis (Council 2011b: 4). Despite the obvious limitations, the provision at least does not exclude the availability of EU funds for energy infrastructure projects what represented the minimum requirement of the CEECs (Interview-NMS_104).

From the CEECs' point of view, the development of the Ukrainian energy infrastructure should be regarded as an energy infrastructure priority comparable to the EU's twelve energy infrastructure priority corridors (Interviews-NMS_101 and OMS_95).¹⁰¹ The final version of the Council conclusions refers to 'the modernisation of the Ukrainian energy sector' in conjunction with the energy infrastructure package but lists the twelve energy infrastructure priority corridors in an additional footnote against the EU-8's preference (Council 2011b: 5).

However, the CEECs succeeded in adding the 'Eastern Corridor' to the examples of priority corridors. In line with the CEECs' preference the final conclusions include a provision on the enlargement of the Energy Community 'to neighbouring countries' however without specifying these neighbourhood countries (Council 2011b: 4). The only exception in this regard constitutes Turkey, which is explicitly mentioned as a country to be integrated in the Energy Community.

¹⁰¹ These include amongst others the Southern Gas Corridor, BEMIP, North-South interconnections in Western Europe, North-South interconnections in Central and South Eastern Europe, Northern Seas offshore grid and oil supply connections in Central Eastern Europe (on the priority corridors, see Commission 2011e: 34-35; European Parliament and Council 2013: 62-63).

Finally, Poland, Lithuania and Slovakia succeeded in getting a reference to the review of these Council conclusions by the end of 2013 in order to make sure that the external dimension of EU energy policy ranks high on the EU's agenda.

As outlined in the introduction to this section these Council conclusions stand out in several aspects in terms of their importance for the development of an external dimension of EU energy policy. In contrast to previous Council conclusions on energy, these conclusions 'touch in large parts on member states' competence' (Interview-NMS_102). They demonstrate that 'member states are open to coordinate and cooperate in this particular area of EU energy policy' (Interview-NMS_102). Together with the European Council conclusions of February 2011, they are used as an important point of reference and basis for all subsequent EU documents¹⁰² on the external dimension of EU energy policy. The adoption of these Council conclusions, however, has modest implications for the implementation of the EU's energy security policy (see Vandecasteele 2012: 14; Vandecasteele/Bossuyt/Orbie 2013: 17). By including a reference to the next review of the external dimension of EU energy policy, they ensure that this policy ranks high on the EU's agenda in the next years (Interview-EU_97). As a follow-up to them, a Council report was adopted in December 2013 under the Lithuanian Council Presidency. This includes a reference to the adoption of respective Council conclusions under the Slovak Council Presidency in autumn 2015. However, all these documents are soft law and for this reason legally non-binding. While argued that due to the EU-8 'we [EU member states] have by now more coordination with external suppliers and in international fora' what 'would have been unacceptable to us a few years ago' (Interview-OMS_95), this achievement cannot be explicitly attributed to the adoption of these Council conclusions alone.

3.1.3 Explaining the CEECs' impact

This section examines what accounts for the CEECs' limited impact on the key provisions of the Council conclusions, material, and/or institutional and/or ideational factors.

¹⁰² See, for example, the Council 2013b: 2; European Council 2013: 4 and 2011b: 3.

3.1.3.1 Material sources of impact

As outlined in chapter 2, member states can significantly increase their impact on a policy outcome by building a powerful coalition with other EU member states supporting their claims and by maintaining a united position on the issue at stake in the negotiations. In addition, the salience of an issue can affect a member state's ability to shape a policy outcome according to its preferences.

Poland planned the initiative carefully and coordinated well not only with Lithuania and Slovakia as the future Council Presidencies but also with the most important and large EU-15 countries at the agenda-setting stage. In the run-up to the Council conclusions of May 2010 which were supposed to include a first reference to the elaboration of the Commission communication, Polish officials promoted the idea within the framework of a tour des capitales including London, Berlin, Paris, Copenhagen and Madrid in May 2010 (Interview-NMS_101). Poland organised several informal meetings on the external dimension of EU energy policy including a workshop for PSC ambassadors in London in June 2011 and a High Level energy meeting in Bełchatów in July 2011. At the agenda-setting stage, most EU-15 countries were initially sympathetic to the initiative (Interview-NMS_101).

However, at the decision-making stage coalition building with other EU-15 countries turned out to be difficult for Poland and the other CEECs due to wide gap between their own and the EU-15 countries' preferences. The CEECs' demand for coordinated positions of EU member states to be presented in high-level meetings of international energy agencies encountered strong opposition not only from the 'Big Three' but also from several small EU-15 countries. France in general supported the preparation of coordinated positions but was strictly opposed to any permanent duty to coordinate or to adopt lines to take. From France's point of view, this coordination should respect the division of competences as laid down in the Treaties and allow EU member states to present national positions if they wish to do so (French Government 2011b: 4). Likewise small EU-15 countries such as Sweden or the Netherlands underlined that it was important for them 'to make sure that we should not have an agreed line to take but decide independently' (Interview-OMS_95). From their point of view, there should be no automatic coordination mechanism. They wanted to

make sure that they still would have the possibility of speaking 'with their own voice' if necessary (Interview-OMS_93).

As demonstrated in chapter 7, there are significant differences in the member states' energy mix. The varying importance of the individual fuels to the EU member states' energy mix also determines their position on questions discussed in several international energy agencies such as the IAEA or IRENA. Thus EU member states are deeply divided over the mandatory share of renewables in their energy mix which is often subject to discussions in IRENA or the use of nuclear power for electricity generation. For some EU-15 countries these questions are of highest sensitivity. Many EU-15 countries feared that an automatic coordination mechanism could have pressured them to make concessions in order to agree on a common EU position. Due to strong opposition from the 'Big Three' the CEECs were not in a position to build a powerful coalition in favour of the automatic coordination mechanism. In order to get the support of the EU-15 countries for the provision they had to make significant concessions and remove the common 'lines to take' as well as the initial 'should be developed' (Confidential-EU_22: 2).

The possibility of concluding energy-related agreements with third countries at EU level also met strong resistance from many EU-15 countries including the 'Big Three'. While the 'old' EU member states did not want to exclude such a possibility in general, they wanted to make sure that such a decision could only be taken on a case by case basis. Moreover, the 'Big Three' were only willing to accept such a possibility if they were guaranteed that it did not affect their national competence in this policy area.

France regards the conclusion of energy agreements as a strictly national competence (French Government 2011b: 5). As stated by an official from a NMS, 'it was mostly the UK that was against it' (Interview-NMS_101). The 'Big Three' considered the initial paragraph on the division of competences as suggested by Poland to be insufficient. They made their consent to the provision conditional on the inclusion of an additional reference which explicitly stated that 'the initiatives set out in these conclusions and the negotiations and conclusions of international agreements' are 'subject to the need to respect the respective competences of the EU and Member States' (Council 2011b: 2). This provision was hard-won by the 'Big Three'. An agreement could be only reached at COREPER level (Interview-NMS_101).

It was also difficult for the CEECs to get the support of other EU member states for the provision concerning the construction of energy infrastructure in neighbourhood countries such as Ukraine. The CEECs' initial proposal to include Ukraine in the EU's twelve energy infrastructure priority corridors encountered strong opposition from several smaller EU-15 countries. Sweden, for example, was strictly against an opening of the priority corridors to Ukraine, arguing that 'the Ukrainian energy sector is not something where the EU is involved' (Interview-OMS_95). Other EU-15 countries such as the Netherlands pointed to the primary role of the market 'in investing in infrastructure in countries both, inside and outside of the EU' (Dutch Government 2011b: 3).

Other demands of the CEECs such as the provision on the enlargement of the Energy Community were less contentious being in general supported by all EU member states. During the negotiations on the Council conclusions two EU member states, Greece and Cyprus, made clear that they would block any wording on Turkey and its integration into the Energy Community. For the CEECs the reference to Turkey was important due to its significant role in the implementation of the Trans-Anatolian gas pipeline (TANAP) forming part of the Southern Gas Corridor. Apart from these two EU member states, most EU-15 countries including the big ones supported the CEECs on this request. Moreover, it was clear that the two EU member states opposed the wording for political and purely national and not energy-related reasons. An agreement on this provision could only be reached at the Council level. During the Council meeting, the Polish Minister of Economy warned his two counterparts of the political consequences of their obstructive approach (Interview-NMS_102). He could draw on the support of a big and powerful coalition in favour of the reference to Turkey. Due to the high pressure, also by the other EU Ministers for Energy, Greece and Cyprus finally gave in.

To sum up, coalition building proved to be a key determinant of the CEECs' impact at the decision-making stage. On all the provisions which faced strong opposition from the big EU-15 countries, the CEECs had to make significant concessions in order to get the consent of the EU-15 countries. The CEECs only managed to shape those provisions according to their preferences on which they had a big and powerful coalition on their side supporting their claim.

A group of member states can significantly increase its impact on a policy outcome if it manages to maintain a unified position on its key demands during the negotiations. There was a broad consensus among the CEECs as regards the need for the promotion of the EU's external energy policy at the agenda-setting stage as well as with regard to the content of most key provisions to be included at the decision-making stage. One reason for this strong consensus at both the agenda-setting and decision-making stage was the close coordination among the CEECs during and already in the run-up to the negotiations on the Council conclusions of November 2011. At the agenda-setting stage, Poland could draw on the groundwork laid by the Hungarian Council Presidency including the European Council conclusions of February 2011 and the TTE Council conclusions of February 2011 (Vandecasteele 2012: 14). At the decision-making stage, Warsaw closely cooperated on the content of the conclusions with Lithuania and Slovakia who were supposed to use the document as a starting point for their own Council Presidencies' contribution to this policy area.

In summary, internal unity cannot account for the CEECs' limited impact at the decision-making stage on the key provisions of the Council conclusions related to the duty to coordinate in advance of high-level meetings in international energy agencies, the conclusion of energy agreements at the EU level and the designation of the Ukrainian energy infrastructure as an EU energy infrastructure priority corridor.

The salience of an issue can also account for member states' impact on a policy outcome. For the CEECs the stakes were high in the negotiations on the Council conclusions. At the agenda-setting stage Poland and the other CEECs were dependent on the inclusion of a reference to the Commission communication. Without the reference there would have been no Commission communication and as a consequence no basis for the start of the negotiations on the Council conclusions.

The adoption of the Council conclusions was of great significance for Poland. It represented a top priority for the Polish Council Presidency (Vandecasteele/Bossuyt/Orbie 2013: 17). As admitted by a Polish official, 'there was pressure to have the conclusions which would be presented as the success of the Presidency' (Interview-NMS_101). Warsaw and the other CEECs were strongly interested in setting up an automatic coordination

mechanism and a provision allowing for the conclusion of energy-related agreements at the EU level for the reasons outlined above. In case of their non-adoption, they would have significantly lost out in comparison to the EU-15 countries.

Following the first theoretical assumption underpinning the role of an issue's importance for a member state's impact, Poland and the CEECs would have had limited room for manoeuvre in the negotiations on the Council conclusions due to their strong interest and dependence on the adoption of the conclusions. According to the second line of argumentation related to the role of an issue's salience for a member state's impact, the CEECs would have been willing to mobilise all their resources in order to ensure the adoption of the conclusions and preserve the three provisions related to the coordination mechanism, the conclusion of energy agreements at the EU level and the modernisation of the Ukrainian energy sector. Indeed, Poland even threatened to abandon the Council conclusions if there had been no reference to the upgrade of the Ukrainian energy sector. However it remains questionable to what extent this threat was credible.

The 'old' EU member states are usually represented in most international energy organisations and fora and have sufficient bargaining power to negotiate with third countries on their own. For this reason, they were not dependent on the adoption of the provisions. Yet they had a strong interest in avoiding any kind of limitations to their competence in the external energy policy. Moreover, they were keen to preserve the current flexibilities with regard to member states' coordination in international energy agencies. Consequently they were in a more favourable bargaining position than the CEECs and could demand concessions in return for their approval to the Council conclusions.

To sum up, the salience of an issue could account for the CEECs' limited bargaining position at the decision-making stage and as a consequence their limited impact on the provisions related to the coordination mechanism and the conclusion of energy infrastructure contracts. However, it cannot explain why the CEECs managed to get a reference – though in a different form than they wanted – to an upgrade of the Ukrainian energy infrastructure despite the great importance they attached to this provision.

3.1.3.2 Institutional sources of impact

Member states can successfully exploit the institutional context in order to increase their impact on a policy outcome. Holding the Council Presidency, the support of the Commission for an initiative and the decision-taking rules can affect member states' possibilities for shaping a policy outcome according to their preferences.

Poland had the benefit of holding the Council Presidency in the period of time when the Council conclusions were drafted. Due to this position, Warsaw was able to significantly set the Council's external energy policy agenda.

Energy policy is one of the few policy areas in which the Council Presidency still chairs the meetings of the Council working party. In preparation of the negotiations on the Council conclusions, the Polish Council Presidency organised a High Level energy meeting in Bełchatów in July 2011 and used the informal meeting of EU energy ministers which took place in Wrocław from 19 to 20 September 2011 to steer the discussion in the desired direction. One of the points for discussion put by Warsaw on the meeting's agenda specifically asked the EU energy ministers if they agree that 'in certain specific cases, agreements upon energy matters with third countries should preferably be concluded at EU level'. If so, under what specific conditions (Council Presidency 2011: 1). This question was directly related to one of its key provisions to be included in the Council conclusions.

In the run-up to the meeting, Poland also circulated an outline of the conclusions leading to a first draft discussed in a meeting of the WPENER on 27 September 2011 (Confidential-EU_22: 1). Moreover, at the decision-making stage Poland decided to draft all versions of the Council conclusions by itself due to certain doubts about the impartiality of the Council Secretariat (Interview-NMS_101).¹⁰³ It was the first time ever that a Council Presidency did not leave the drafting of the Council conclusions to the Council Secretariat. However, holding the Council Presidency had also some disadvantages for Poland at the decision-making stage. As outlined above, it was under pressure to get these Council conclusions adopted in order to present them as the achievement of its Presidency. Poland had to work 'hard to find a consensus on the conclusions'

¹⁰³ It should be noted here that the respective official in charge of energy at the Council Secretariat is French.

(Vandecasteele 2012: 14). Moreover, it was constrained in its ability to openly lobby for its priorities due to the Presidency's commitment to neutrality.

Therefore by holding the Council Presidency Poland managed to shape the EU external energy policy agenda according to its preferences. Although it even drafted the Council conclusions, it did not succeed in pushing its preferences through at the decision-making stage without making significant concessions to the big EU-15 countries. Even if it had not held the Council Presidency, it remains questionable to what extent Warsaw would have been able to have more impact on the key provisions of the Council conclusions. It is unlikely that Poland would have been able to stand up to the 'Big Three' with regard to the coordination mechanism and the conclusion of energy infrastructure agreements at the EU level. Thus, holding the Council Presidency accounts for Poland's impact at the agenda-setting stage. However, it does not provide a reasonable explanation why the CEECs had only very limited impact on some provisions of the Council conclusions and more impact on others. Apart from Poland, all other CEECs were in a position to actively lobby for the key provisions but apparently without any significant success.

A member state can increase its impact on a policy outcome by having the Commission on its side supporting its initiative. The Commission plays a rather minor role in the drafting and adoption of Council conclusions. However, it does the necessary groundwork by publishing a communication that provides the basis for the negotiations on the subsequent Council conclusions.

A comparison of the Commission's communication with the Council conclusions of November 2011 demonstrates a significant degree of conformity between the Commission's suggestions about the external dimension of EU energy policy and the provisions included in the first draft of the Council conclusions (Vandecasteele/Bossuyt/Orbie 2013: 17). The high degree of conformity can be partly ascribed to the fact that out of seven member states which provided contributions to the public consultation on the communication, four came from Central and Eastern Europe. Thus, at the agenda-setting stage the EU-8 could draw on the Commission's support. However, it is not clear to what extent the Commission wholeheartedly supported the conclusions. As admitted by an official, there were certain officials in the Commission who were interested in postponing the publication of the Commission's communication that set the scene for the negotiations on the Council conclusions (Interview-

NMS_101). Despite these doubts, it cannot be denied that the Commission would have disproportionately benefitted from the adoption of the provisions as suggested by the CEECs. These provisions would have given the Commission a much more prominent role in the implementation of the EU's external energy policy. Against this background, it can be assumed that the Commission was supportive to the initiative at both the agenda-setting and decision-making stage. However, at the decision-making stage of Council conclusions, the Commission plays a very limited role; it is virtually not involved in the negotiations.

In conclusion, the CEECs could at least draw on the formal support of the Commission for the Council conclusions at the agenda-setting stage. In accordance with the ordinary procedure leading to the adoption of Council conclusions, the Commission first published a communication which took due note of the CEECs' priorities and preferences.

Member states can further increase their impact on a policy outcome by successfully exploiting the decision-making rule guiding the adoption of the document. The adoption of the Council conclusions on the external dimension of EU energy policy required unanimity in the Council.

There is no empirical evidence suggesting a causal relationship between the decision-making rule and the CEECs' limited impact on the key provisions of the Council conclusions. From a theoretical point of view the outcome had to accommodate member states' different preferences in order to avoid being vetoed by one or several member states. However, the political costs of such a veto would have been very high. Even Greece and Cyprus decided in the end due to the enormous pressure exerted by other EU member states to accept the reference to Turkey. To sum up, the decision-making rule does not offer a reasonable explanation for the CEECs' limited impact on the key provisions of the Council conclusions.

3.1.3.3 Ideational sources of impact

As outlined in chapter 2, framing, persuasive argumentation and the exploitation of windows of opportunity can significantly affect a member state's ability to shape a policy outcome according to its preferences.

The CEECs only partially succeeded in framing the key provisions to be included in the Council conclusions as of added value to all EU member states and the whole EU. On the one hand, there are obvious advantages of coordinated positions or common EU positions to be presented during high-level meetings of international energy agencies. The EU Commissioner for Energy acknowledged the added value of concluding energy agreements at EU level and presenting coordinated positions by stating that ‘If we speak with one voice [...] we have got a completely different weight’ (quoted in The Global Warming Policy Foundation 2011). There is an obvious ‘need to improve internal coordination so that the EU and its member states act together and speak with one voice’ (Öttinger quoted in EurActiv 2011b). These arguments played an important role for the EU-8’s impact at the agenda-setting stage.

However they receded into the background at the decision-making stage where national interests and questions of competence came to the fore. There it was important for most EU-15 countries to ensure that the provisions did not limit their competences in the external energy policy and did not oblige them to coordinate if they did not want to. It was undisputed that an automatic coordination mechanism as suggested by the CEECs would have been of particular benefit to the CEECs but not to the EU-15 countries. It would have primarily provided the CEECs with possibilities for presenting their views in those international energy agencies of which they are not members. Moreover it would have increased the CEECs’ bargaining power in negotiations on energy agreements with third countries. Other EU member states do not encounter such problems in their bilateral negotiations with third countries (Interview-OMS_85).

Generally Warsaw in its position as the Council Presidency, turned out to be consensus-seeking. This can be seen from the fact that the negotiations on the content of the Council conclusions took roughly two months and resulted in four different draft versions until an agreement on a final text could be reached. However it was unwilling to compromise on certain aspects of key national interest. One of these aspects concerned the reference to the modernisation of the Ukrainian energy infrastructure. Poland confronted the other EU member states with the choice ‘either we have a reference to the modernisation of the Ukrainian energy sector or we won’t have these conclusions’ (Interview-NMS_101). The second aspect concerned the reference to the definition of ‘low

carbon' which is important for Poland but not the other EU member states due to the high share of coal in its energy mix (Council 2011b: 2).

In conclusion, the CEECs could present strong and convincing arguments in favour of the adoption of common lines to take and the conclusion of agreements on energy infrastructure at the agenda-setting stage. Not all of the suggested measures were altruistic but the CEECs had strong reasons in favour of the provisions. Against this background framing and argumentative persuasion do not offer a clear explanation for the CEECs' limited impact on the provisions concerning the adoption of common lines to take ahead of high-level meetings of international energy agencies and the conclusion of agreements on the construction of energy infrastructure at the EU level.

The timing of a policy proposal can affect its chances of success. There are good reasons for arguing that autumn 2011 was a particularly favourable period of time for promoting more coordination in the EU's external relations with third countries but also several reasons why it was not.

In September 2011 the Council managed to agree on a mandate authorising the Commission to open the negotiations on the Trans-Caspian pipeline. The adoption of the mandate provided a good window of opportunity for the CEECs to push for more in order to turn this precedent into a common EU practice. At the same time negotiations on the establishment of the information exchange mechanism took place, which offered several opportunities for linking certain provisions to the outcome achieved in the other negotiations (Interview-NMS_101).

It can be assumed that other external events such as the Fukushima disaster of March 2011 rather contributed to a further reluctance of EU member states to automatically coordinate their positions at the EU level on several contentious aspects of their energy policies such as the safety of nuclear power.

To sum up, no definite conclusions can be drawn from the timing of the negotiations on the Council conclusions with regard to the CEECs' limited impact on the key provisions related to the coordination mechanism and the conclusion of agreements on the construction of energy infrastructure at the EU level.

3.1.3.4 Preliminary conclusions

This section has demonstrated that at the agenda-setting stage institutional and ideational factors play an important role for the EU-8's impact. At the decision-making stage material sources account for the EU-8's success or failure to shape outcomes according to their preferences. This in-depth case study has shown that the EU-8's limited impact at the decision-making stage can be attributed to the strong opposition from several EU-15 countries including the 'Big Three' to most of the CEECs' claims. As a result, the CEECs were not in a position to build a powerful coalition in the Council in favour of their demands. To get the conclusions approved, they had to make several concessions to the 'old' EU member states.

4. The EU-8's impact on the instruments of EU energy security policy

This section examines the CEECs' impact on two instruments of EU energy security policy including the new TEN-E regulation and the decision establishing the information exchange mechanism on intergovernmental energy agreements. As outlined in chapter 7, for many CEECs, securing EU funds for their energy infrastructure projects is a top priority in the EU's energy security policy (Interview-EU_87). Moreover, as shown in chapter 7, for all EU-8 the introduction of more transparency and coordination in the EU's external energy policy is of utmost importance.

The question why the EU-8 sometimes succeed in having an impact is addressed in this section within the framework of a case study analysing the EU-8's limited impact on the decision establishing the information exchange mechanism on IGAs of 4 October 2012.

4.1 Securing EU funding for key energy infrastructure projects – The CEECs' impact on the new TEN-E Regulation

Due to the high segmentation of their domestic energy markets and their inability to attract investments, countries in Central-Eastern Europe rely on public funding to build necessary new energy infrastructure (Interview-EU_84). The TEN-E regulation lays down the criteria and provisions governing the allocation of EU funds for the construction of energy infrastructure projects

within the framework of the Connecting Europe Facility (CEF). Securing EU funds for energy infrastructure forms part of the CEECs' understanding of solidarity in EU energy policy.

Due to the underdevelopment of their energy infrastructure they 'expect the EU to provide funding for the set-up and promotion of energy infrastructure in this region' (Interview-NMS_79). In particular the Baltic States support this understanding of solidarity. In contrast to many CEECs, most EU-15 countries strongly advocate the 'market' approach arguing that 'the market should be the main driver for investments in infrastructure' (Council Secretariat 2012: 4). The CEECs' and EU-15's contrary approaches to energy infrastructure funding have been subject to fierce debates in the Council and have been expected to significantly affect the provisions included in the new TEN-E regulation.

On 19 October 2011 the Commission published its proposal for the new TEN- regulation. The budget of the CEF for energy for the period from 2014 to 2020 is relatively limited amounting to 5.85 billion EUR. The Commission's proposal set the scene for the Council negotiations on the regulation.

The Council adopted the new TEN-E regulation in April 2013. The so-called PCI list¹⁰⁴ including those 248 energy infrastructure projects that are eligible for EU funding and/or fast track permit granting procedure was adopted by the European Commission in October 2013.

The following subsection outlines the CEECs' attempts to shape key provisions of the new TEN-E regulation according to their preferences. It specifically focuses on how the CEECs tried to affect the provisions related to the selection criteria for PCI projects (Art. 4), the eligibility for EU funding of energy infrastructure projects which benefit from exemptions from the Third Energy Package (Art. 12 (9)(a)) and the eligibility of oil infrastructure projects for EU funding (Art. 14).

While the CEECs failed to make their voice heard with regard to the eligibility of oil infrastructure projects for EU funding, they succeeded in shaping the selection criteria for PCI projects according to their preferences. Moreover they managed to preserve a provision on the exclusion of energy infrastructure

¹⁰⁴ The projects to be included in the PCI list were selected by twelve regional groups consisting of member state representatives. The PCI list forms part of the TEN-E regulation. The allocation of EU funding for energy infrastructure is governed by altogether three documents including the CEF regulation, the TEN-E regulation leading to the elaboration of the PCI list and the delegated act.

projects which benefit from exemptions under the Third Energy Package from projects which are eligible for CEF funds.

One of the CEECs' priorities with regard to the criteria for the selection of PCI concerned the inclusion of security of supply as one of the highest ranked criteria in the new TEN-E regulation (Interview-NMS_104). In addition, the Baltic States were keen to ensure that the criteria would take account of their particular situation as energy islands. Moreover, in line with the CEECs' preferences also energy infrastructure without cross-border impact should be eligible for EU funding (Confidential-NMS_27: 2). Finally, for the CEECs it was important to make sure that the criteria would not be cumulative, meaning that the projects would not need to meet all the criteria but at least one (Interview-NMS_91).

The Commission's proposal took some account of the CEECs' preferences in this regard. In general, three possible criteria were listed for the selection of PCI projects including market integration, security of supply and sustainability. The Commission's proposal stipulated that only those energy infrastructure projects could become PCIs which would 'involve at least two Member States, either by directly crossing the border of one [...] or by being located on the territory of one Member State and having a significant cross-border impact' (Commission 2011e: Art. 1(c)). The security of supply criterion was only listed in connection with gas and oil projects and in the case of gas projects, it only came after market integration, meaning that it was not the highest ranked criterion.

The discussions in WPENER disclosed the different approaches of the Eastern newcomers and the EU-15 countries to the selection criteria. While several, small EU-15 countries were pushing for criteria focusing on sustainability, renewables and electricity projects, the CEECs tried to put the emphasis on the security of supply dimension (Interviews-NMS_104, NMS_92, OMS_95). The EU-15 countries and the CEECs negotiated on almost every single word of the provisions. The final criteria reflect the success of the CEECs in pushing through their preferences. With regard to electricity and gas projects, the final provision refers to market integration but 'inter alia through lifting the isolation of at least one Member State and reducing energy infrastructure bottlenecks' (European Parliament and Council 2013: 47, emphasis added). The reference to 'isolation' was included at the insistence of the Baltic States

but with the support of the CEECs. The reference to the 'bottleneck' criterion was included due to the CEECs' lobbying (Interview-NMS_104). However, both key words could be only added to the criteria later on in the tripartite negotiations with the Parliament (Interview-OMS_95). To the displeasure of some EU-15 countries, 'the focus of this new regulation is on the security of supply [...] and mainly on gas' (Interview-OMS_95). For the CEECs, both criteria turned out to be particularly beneficial enabling them to get a high number of their projects accepted as PCIs. However, the CEECs did not manage to sufficiently modify the criterion related to 'cross-border impact' of projects and complained about the strict application of this criterion when the PCI projects were selected (Confidential-NMS_27: 2).

A further controversial provision included in the Commission's proposal for the new TEN-E regulation was related to the eligibility of energy infrastructure projects exempted from the Third Energy Package for EU funding. On this aspect the CEECs were divided. While Poland, the Czech Republic and the Baltic States were against such a possibility in line with the Commission's proposal, countries such as Hungary, Slovakia, Slovenia as well as Bulgaria and Romania argued that such energy infrastructure projects should still be eligible for EU funds despite their exemptions from the Third Energy Package for several reasons (Interview-NMS_104, NMS_92 and EU_82). Firstly Nabucco is still included in the PCI list although it had been dismissed in favour of TAP. Nabucco benefits from exemptions under the Third Energy Package and would, if constructed, run through the territory of *inter alia* Hungary, Romania, Bulgaria and probably to the border of Slovakia. The second reason is related to South Stream. To be implemented South Stream will need to be exempted from the EU's Third Energy Package. While it is not included in the recent PCI list countries involved in the project such as Hungary, Slovenia and Bulgaria hope that it will be included in the next PCI list and wanted to make sure that it would still be eligible for EU funds.

In contrast, for Poland, the Czech Republic and the Baltic States it was important to ensure that energy infrastructure projects involving Russia, such as South Stream, could not apply for EU funds in order to avoid a second Nord Stream scenario (Interview-NMS_104).¹⁰⁵ Many EU-15 countries also opposed

¹⁰⁵ To the displeasure of Poland and the Baltic States the EU provided EU funds for the construction of Nord Stream under the previous TEN-E regulation.

such a possibility arguing that projects benefitting from exemptions from the Third Energy Package would already offer sufficient incentives to be implemented (Interview-NMS_91). Several of the EU-15 countries pointed to the fact that such exemptions were given to these projects 'with the aim of making the project commercially viable' (Confidential-EU_24: 3). Spain opposed such a possibility fearing that it could lose a significant share of EU funds to the CEECs (Interview-OMS_93). Due to the strong opposition from Poland, the Baltic States and many EU-15 countries according to the final provision energy infrastructure projects that benefit from exemptions from the Second or Third Energy Package are not eligible for EU funds under CEF (European Parliament and Council 2013: Art. 12 (9)(a)).

Finally the Visegrád countries, first and foremost Poland, together with Romania and Bulgaria wanted oil infrastructure projects to be eligible for grants for work under the new TEN-E regulation. In spring 2010, the Hungarian Minister for Energy, Péter Honig, sent a letter on behalf of all four Visegrád countries to the EU Commissioner for Energy in order to draw his attention to the future oil supply problems related to the Druzbha pipeline (Confidential-NMS_26: 1). As outlined in several subsequent letters and declarations the V4 would like the EU to explore alternative supply routes and sources for oil (MoU N.-S. 2011: 3; V4 2011; V4 2012a). In order to promote the idea, Poland and the other Visegrád countries, supported by Bulgaria and Romania, drafted a letter at the beginning of 2012. The main purpose was to ask the Commission for a revision of the respective provision in the TEN-E regulation (Confidential-NMS_28). At the very last moment it was decided to not send the letter. However, the proposal was floated by the V4 within the framework of the negotiations on the TEN-E regulation in WPENER. It encountered strong opposition from most EU-15 countries and the Commission (Interview-NMS_104). While Poland and the other Visegrád countries pointed to the importance of oil infrastructure projects for their security of supply, the Commission and countries such as Sweden argued that oil projects were not compatible with sustainability as one of the core objectives of EU energy policy (Interview-NMS_104). Due to the strong opposition from the Commission and most EU-15 countries as well as the compelling arguments against the promotion of oil energy infrastructure projects the Visegrád countries had no other choice than to give in on this demand.

As this section has demonstrated the EU-8's impact on the new TEN-E regulation varied from provision to provision. The EU-8 did not manage to secure CEF funding for oil energy infrastructure projects due to the strong opposition to such a provision from the Commission and most EU-15 countries. The CEECs succeeded in preserving the provision on the exclusion of energy infrastructure projects which benefit from exemptions under the Third Energy Package from CEF funding. On this provision they had the support of most EU-15 countries and the Commission. With regard to the selection criteria they partially managed to have impact. On the isolation criterion the Baltic States could count on the support of other energy islands such as the UK and Spain. The reference to the elimination of internal bottlenecks did not go against the vital interests of most EU-15 countries.

The criteria for the selection of PCI projects partially reflect a departure from those included in the previous TEN-E Regulation of 2007. Article 5 (3)(a) of the previous TEN-E regulation of 2007 referred to the reduction of 'isolation' of countries or regions with limited interconnections (European Parliament and Council 2007). Security of supply was listed as the third criterion for the selection of the PCI projects (European Parliament and Council 2007: Art. 5 (3) (c)). However, the previous TEN-E regulation did not refer to the elimination of internal bottlenecks. No time limits were set for the granting of permits. Those energy infrastructure projects that were exempted from the EU's third energy package such as Nord Stream were eligible for funding.

4.2 Striving for more coordination and transparency in the EU's energy security policy: the CEECs' impact on the establishment of an information exchange mechanism on intergovernmental energy agreements

On 4 October 2012 the Council approved the decision setting up an information exchange mechanism on intergovernmental energy agreements (hereinafter IGAs) between EU member states and third countries. This decision obliged EU member states to provide the European Commission with all their existing IGAs (including annexes and amendments) with third countries by 17 February 2013 (European Parliament and Council 2012: Art. 3). The Commission was then given nine months to assess the compatibility of these agreements with the EU energy acquis. Moreover, in line with the IGA decision EU member states have the possibility to inform the Commission of ongoing or future negotiations on

amendments to existing IGAs or new IGAs with third countries. In addition, the IGA decision enables EU member states to ask the European Commission for assistance in the negotiations of such agreements with third countries. The Commission can either participate in the negotiations as an observer at its own request upon approval by the respective member state or at the request of the respective member state itself. After having received the requested information from the member states, the Commission is responsible for making it available 'in secure electronic form' to all EU member states (European Parliament and Council 2012: Art. 3 (6)).

The adoption of the IGA decision represents an 'important first step in moving towards a common EU energy policy' (Karins quoted in EPP Group 2012: 1). However, it could be only adopted in a significantly diluted form. The mandatory *ex-ante* compatibility assessment mechanism which constituted the cornerstone of the Commission's proposal (Commission 2011p: Art.5) and to which several EU-8 countries attached utmost importance was changed into a voluntary, *ex-post* compatibility assessment provision.

The following section analyses why the CEECs' attempt to keep the obligatory *ex-ante* mechanism for assessing the compatibility of intergovernmental energy agreements with EU energy legislation in the IGA decision has failed. It starts with the background of the IGA decision, outlining where the initiative came from and what has happened so far, followed by the preferences of the CEECs as to the key provisions of the IGA decision. The third subsection summarises the outcomes of the CEECs' attempt to introduce more transparency and coordination in the external dimension of EU energy policy. The final subsection analyses why the outcome of the CEECs' attempt to preserve the provision on the compulsory *ex-ante* notification and compatibility assessment in the IGA decision failed.

4.2.1 The origins of the initiative and the course of the negotiations

On 7 September 2011 the Commission presented its proposal for a decision establishing an information exchange mechanism on IGAs between EU member states and third countries. The Commission's original proposal included five core provisions. The first stipulated that EU member states should notify the Commission of any intentions concerning future negotiations over

IGAs with third countries before their actual opening (Commission 2011p: Art.3 (2)). In line with the second provision, the Commission would have the right to be present in the negotiations as an observer (Commission 2011p: Art. 3 (2)). The third provision required EU member states to forward not only their existing and provisional IGAs to the Commission but also all other texts and annexes related to the respective agreements (Commission 2011p: Art. 3 (1)). In addition, the Commission would be given four months to assess the compatibility of the agreement with EU energy legislation and give its opinion on that. In this period of time the member state would not be allowed to sign the agreement (Commission 2011p: Art. 5).

The Commission's proposal was the outcome of respective references included in earlier EU documents including the Commission's communication of November 2010 (2010d: 18). These early ideas were further specified in the European Council conclusions of 4 February 2011 formally inviting EU member states 'to inform from 1 January 2012 the Commission on all their new and existing bilateral energy agreements with third countries' which will then be made 'available to all other Member States' (2011d: 4). This request was confirmed by the Energy Council during its meeting on 28 February 2011 (Council 2011c: 6).

The origins of the idea for the establishment of the information exchange mechanism are controversial. While some¹⁰⁶ argue that it was the Hungarian Presidency who first suggested the mechanism, others refer to Poland as the driving force behind the idea (Interview-NMS_92). The official proposal for the IGA decision came from the Commission. It constituted one of Commissioner Öttinger's top initiatives to strengthen the external dimension of EU energy policy (Interview-EU_98). However, Poland and other CEECs served as an important source of inspiration for the elaboration of the proposal and played a decisive role in the negotiations on it in the Council.

In its negotiations with Russia over the management of the Yamal pipeline in the period from 2009 to 2010, Poland decided to ask the Commission for assistance in order to bring the agreement in line with the EU energy acquis (Loskot-Strachota/Ramsay 2011: 2; Sirijos Gira 2010: 4). Poland was the first EU member state that asked the European Commission for advice. As admitted by an official, the Commission 'helped [Poland] a lot in changing

¹⁰⁶ See, for example, Taylor 2011a and Van Vooren 2012: 61.

the bilateral agreement' (Interview-NMS_102). The assistance of the Commission enabled Poland to get more favourable conditions that were in line with the EU energy acquis and provided it with additional bargaining power in its negotiations with Russia (Interview-NMS_102).

With this very positive experience, it set a precedent for the other Eastern newcomers. In December 2010 Bulgaria turned to the European Commission and asked for assistance in its negotiations on an agreement concerning the management of the South Stream pipeline section on its territory (Loskot-Strachota/Ramsay 2011: 3).

Several CEECs in various EU bodies pushed for the mechanism in order to ensure that it would materialise. It was a Pole in the cabinet of Herman Van Rompuy who drafted the energy part of the European Council conclusions of February 2011 and included the reference to the information exchange on IGAs (Interview-NMS_92).

The IGA proposal reached the Council in September 2011 under the Polish Presidency (Council Presidency 2012: 2). Despite Poland's and the Baltic States' efforts to link the negotiations on the Council conclusion dealing with the external dimension of EU energy policy with those on the information exchange mechanism, no agreement could be reached. The negotiations continued under the Danish Council Presidency but without any significant success. The Danish Council Presidency gave the Commission and the interested CEECs the choice of either accepting a significantly diluted version of the Commission's proposal or of putting the proposal on hold (Interview-EU_98). On 21 March 2012, the Council agreed on a negotiating position and entered into negotiations with the European Parliament. Krisjanis Karins, a Latvian MEP, was selected as the rapporteur on the file. Three informal dialogues involving the Council, the Commission and the European Parliament in the period from March to May 2012 finally resulted in an agreement on the consolidated text of the decision in June 2012 (Van Vooren 2012: 61). The European Parliament was strongly in favour of the Commission's original proposal and supported even more ambitious provisions related to information sharing concerning also commercial energy contracts. On 13 September 2012 the Parliament voted in favour of the proposal. The final text on the information exchange mechanism was put on the agenda of COREPER I for 26 and 28

September 2012. The final decision was approved by the Council on 4 October 2012.

4.2.2 The CEECs' preferences with regard to the IGA decision

As demonstrated in chapter 7, Poland and the Baltic States have a strong interest in introducing more transparency and coordination in the EU's energy security policy. They still suffer from the experience of being bypassed in the negotiations leading to the construction of Nord Stream and they are among those EU member states that pay the highest prices for gas supplied by Gazprom. For this reason they were strongly in favour of a mechanism obliging EU member states to 'share information about [energy] agreements with third countries that are being concluded or are being prepared' (Azubalis quoted in 15min.LT 2012a). Securing a reference in the European Council or Council conclusions urging the Commission to elaborate some kind of a proposal represented a key priority for the CEECs at the agenda-setting stage. This proposal was important as it provided the basis for the subsequent negotiations. Moreover, several EU-8 countries were keen to ensure that the Commission's proposal would include a provision enabling them to ask for the Commission's assistance in their negotiations on IGAs with third countries. Within the public consultation procedure in March 2011 Poland emphasised the need for involving EU institutions 'which would guarantee organisational, technical, analytic and legal support [...], when needed by the Member States in their bilateral contacts with third countries in the field of energy' (Polish Ministry of Economy 2011a: 9).

At the decision-making stage the EU-8 did not have one single, coherent position on the concrete form of the information exchange mechanism on IGAs. Only Poland and the Baltic States 'had very similar points of view' on the key provisions of the IGA decision (Interview-NMS_102). Their position on the concrete form of the IGA decision comprised three core requests. First, they wanted an obligatory *ex-ante* mechanism enabling the Commission to assess the compatibility of an agreement with the EU energy acquis before or during its signing by the respective EU member state (Interviews-NMS_101, NMS_102, OMS_93 and EU_98). As argued by an official, 'It was problematic that the Commission only in the aftermath, after the agreement was concluded, was

able to assess the agreement' (Interview-NMS_102). They wanted to have a mechanism obliging the EU member states 'to consult the Commission on the compatibility of an agreement during or before the start of the negotiations' (Interview-NMS_101). For Poland and the Baltic States, the compliance of IGAs with the EU's energy acquis 'should be treated as one of the core axes of the EU external energy policy' in order to put the anticompetitive practices used by certain third countries to an end (Lithuanian Government 2011: 5).

One reason for Poland's and the Baltic States' pushing for the *ex-ante* scrutiny mechanism related to several of their old gas agreements with Russia that would expire in the near future and needed to be renewed (Interview-NMS_102). Thus, in negotiations with Russia they could always refer to the outcomes of the Commission's compatibility assessment as one reason for the need to change the hitherto applied conditions. From Poland's and the Baltic States' point of view, the time period that the Commission should have for the assessment of the agreement's compatibility with the EU energy acquis should be reduced to one month (Polish Ministry of Economy 2011b: 1). Only if the agreement concerned the construction of key energy infrastructure projects, the Commission should have four months to assess the compatibility of the contract with the energy acquis. A mandatory *ex-ante* compatibility assessment of IGAs by the Commission was the top priority of Poland and the Baltic States with regard to the concrete form of the information exchange mechanism (Interviews-NMS_101 and OMS_93).

The second preference of Poland and the Baltic States concerned the right of the Commission to be present in bilateral negotiations on energy agreements between EU member states and third countries. While Poland and the Baltic States were not in favour of a general presence of the Commission in all bilateral negotiations, they were keen to ensure that EU member states would have the right to request the Commission's assistance and advice (Interviews-NMS_101, NMS_102 and NMS_94). As argued by a NMS representative, the IGA decision clearly shows that 'a member state is not alone if it is convinced that an existing agreement is not in line with EU legislation' and that it 'has the right to refer to the Commission and ask for assistance' (Interview-NMS_102).

The third aspect to which Poland and the Baltic States attached great importance concerned the sharing of member states' information on the IGA

which should be effective and universal (see, for example, Lithuanian Government 2011: 6). All existing and new IGAs of EU member states should be forwarded to the European Commission and made available to the other EU member states within the framework of a database. Such a mechanism of information would 'increase the level of transparency and fair game' with regard to 'how member states shape their bilateral energy relations with third countries' (Interview-NMS_102). Exchanging information on existing and new IGAs in the energy area was regarded by the CEECs as 'a first step' towards a common EU external energy policy (Lithuanian Government 2011: 6).

While the other Visegrád countries in general supported a decision enabling the information exchange on IGAs among EU member states, they were against the Commission's right to assess the compatibility of an agreement with the EU's energy acquis before its signing by the member state. As argued by an official from a CEEC, the collection of the IGAs as such 'does not hurt anybody' (Interview-EU_82). However, several of the CEECs knew they had 'old' and 'new' IGAs within the framework of South Stream for example, which were not in line with the EU's energy acquis. Thus, for these countries, the decision could result in painful renegotiations of these agreements (Interview-OMS_93).

4.2.3 What the CEECs achieved

As outlined above, the establishment of the information exchange mechanism on IGAs was already on the Commission's agenda. However, the EU-8 had to secure a reference urging the Commission to elaborate a proposal in European Council or Council conclusions. The European Council conclusions of 4th February 2011 do not include a reference to a concrete proposal but formally invited EU member states to notify the Commission of their existing and new IGAs. They further announced that the Commission would then 'make this information available to all other Member States in an appropriate form' (European Council 2011d: 4). This request was further specified in the Council conclusions of February 2011 which referred to an 'Improved and timely exchange of information between the Commission and Member States including Member States [sic!] information to Commission on their new and existing bilateral' IGAs with third countries (2011c: 6). However, both conclusions did not

refer to a mechanism or any kind of compatibility assessment. Already at the agenda-setting stage no stronger reference was possible due to the opposition from large EU-15 countries such as Italy and the UK (Interview-EU_98). The Commission used this reference later on as the justification for its proposal (Commission 2011p: 1).

The EU-8 was even less successful at the decision-making stage. For Poland and the Baltic States the final decision as adopted on 4 October 2012 clearly represents a 'failure' (Interview-NMS_101). Although it provides for more transparency in the EU's external energy policy by binding all EU member states to provide the Commission with their existing IGAs, Poland and the Baltic States certainly did not get what they wanted in several regards (Interview-OMS_95). The biggest failure is related to Poland's and the Baltic States' request for a mandatory *ex-ante* assessment of the compatibility of new IGAs with the EU energy acquis before it was signed. In the final decision, member states 'may inform the Commission [...] of the objectives of, and the provisions' of the agreements they intend to negotiate or are currently negotiating (European Parliament and Council 2012: Art. 3 (3)). However, the Commission has only the right to scrutinise the compatibility of the agreement with the EU energy acquis if the respective member state has not been in a position 'on the basis of its own assessment, to reach a firm conclusion' concerning the agreement's compliance with the EU energy acquis (Art. 6 (1)). Thus, the *ex-ante* compatibility assessment and notification of the Commission are voluntary and *ex-post* but not obligatory and *ex-ante* as requested by Poland and the Baltic States. The EU-8 'wanted a much stronger mechanism' (Interview-NMS_101).

Moreover, while the Commission is asked to make the received information available to all other EU member states in a 'secure electronic form', member states have the possibility to exempt whole or parts of the IGAs which they consider to be confidential or whose disclosure could turn out to be harmful to the third country from being included in the database (Art. 3 (7) and Art. 4). Accordingly, although Poland and the Baltic States got a transparency mechanism, it only concerns existing and not future or currently negotiated IGAs. In addition, member states retain the right to determine which parts of their IGAs can be shared with the other EU member states. As a result, it can be stated that the substantial loopholes in this provision clearly fall short of

Poland's and the Baltic States' request for an effective and universal information exchange mechanism.

Finally it can be argued that the CEECs managed to get a provision enabling them to ask the European Commission for assistance and advice in their bilateral negotiations with third countries. However it remains questionable if and to what extent this provision can be indeed regarded as an achievement of Poland and the Baltic States as the EU-15 never questioned this provision in its optional form.

The IGA decision has limited implications for the implementation of the EU's energy policy despite the fact that it is a legislative act. It provides for more transparency in member states' bilateral energy relations with third countries. The EU-8 'got a transparency mechanism' (Interview-OMS_93). But it is questionable to what extent this transparency mechanism is indeed new. A similar provision related to IGAs on gas was already included in the Security of Supply regulation of 2010 urging EU member states to forward all their existing gas IGAs 'which have an impact on the development of gas infrastructures and gas supplies' to the Commission by 3 December 2011 (European Parliament and Council 2010: Art. 13 (6)). However, based on this provision the information was not made available to other EU member states in contrast to the provision included in the IGA. The provision included in the IGA decision offers many loopholes for not providing complete IGAs or annexes to the Commission.

In addition, on the basis of the IGA decision the EU-8 can ask the Commission for assistance in their energy negotiations with third countries. The Commission's assistance is likely to increase the CEECs' bargaining power in negotiations with Russia. However, as seen in the negotiations between Poland and Russia on the Yamal pipeline, the involvement of the Commission in member states' negotiations on energy with third countries had also been possible without a separate legal provision.

Van Vooren argues that the decision 'is arguably an important development for EU external energy relations' as it 'clearly and irreversibly allows the Commission to undertake action to pursue EU external energy relations in a legal and political sense' (2012: 80). According to Article 7 of the IGA decision, the Commission has the right to request authorisation by the Council to conduct negotiations on the construction of energy infrastructure projects with third countries. However the adoption of the negotiating mandate

for the Trans-Caspian pipeline demonstrates that such a procedure was also possible without a separate legal provision. Moreover even on the basis of provision included in the IGA the Commission will continue to be dependent on member states' approval to negotiate on behalf of the EU. Against this background, it can be expected that the IGA decision will remain without substantial implications for the implementation of the EU's energy policy.

4.2.4 Explaining the CEECs' impact

What accounts for the CEECs' failure to push through the mandatory *ex-ante* scrutiny and notification mechanism? The following section analyses to what extent material, institutional and ideational sources of member states' impact provide a reasonable explanation for the CEECs' failure to keep the obligatory *ex-ante* notification and scrutiny mechanism in the final IGA decision.

4.2.4.1 Material sources of impact

As outlined in the theoretical assumptions in chapter 2, member states can significantly increase their impact on a policy outcome by building a powerful coalition supporting their initiative or request.

Coalition building with the EU-15 turned out to be difficult for the EU-8 already at the agenda-setting stage. In general the EU-15 had limited interest in promoting the further development of the EU's external energy policy. Only three of them (France, the Netherlands and Portugal) provided a response to the Commission's consultation. Many of them were against the sharing of information on their energy agreements with third countries. While the EU-8 managed to get a reference to the information exchange on IGAs in the European Council conclusions of February 2011, it could only be accepted without a reference to 'mechanism' due to the opposition from several large EU-15 countries. The first exchange of views within the framework of the informal meeting of the EU Energy Ministers in Wroclaw in September 2011 made clear that coming to an agreement would be difficult.

At the decision-making stage three groups of member states could be distinguished (Interview-EU_98). The first group comprised those EU member states to which the IGA decision was of limited importance such as Denmark.

These EU member states had nothing to fear from a mandatory *ex-ante* scrutiny mechanism as they virtually have no IGAs. The second group consisted of those EU member states that strongly opposed the mechanism. This group comprised Austria, Belgium, Germany, France, the UK, Sweden, the Netherlands, Italy, Bulgaria, Luxembourg and Greece (Confidential-EU_23: 1). The third group included the advocates of a mandatory scrutiny mechanism. It consisted largely of the CEECs that supported the provision to different degrees (Interview-EU_98). They 'played a major role in these discussions' (Interview-NMS_94). Poland and Lithuania together with the other two Baltic States were among the most adamant advocates of the provision. The other CEECs were less outspoken and 'not that dominant in the discussions' (Interview-OMS_93).

Many EU-15 countries considered the mandatory *ex-ante* compatibility assessment to be a question of competence and principle (Interview-EU_97). For countries such as Italy, France, Germany, the UK and Spain the mechanism represented an absolute 'no-go' (Interview-EU_98). Italy and Germany opposed it at the decision-making stage not only for competence reasons but also due to commercial interests. They were supported in their opposition by several smaller EU-15 countries such as Sweden, Greece and the Netherlands who feared a loss of their competence in this area. As stated by a representative from an EU-15 country, the mandatory *ex-ante* compatibility assessment 'was unacceptable for us as for all old EU member states' (Interview-OMS_95). Other smaller EU-15 countries argued that 'it is our competence' (Interview-OMS_93) and openly admitted that they were not in favour of this mechanism and did not see 'any need for new mechanisms to ensure compliance' of their IGAs with the EU energy acquis (Dutch Government 2011b: 1-2).

In terms of preferences there was clear division between the EU-15 countries on the one hand and the CEECs on the other (Interview-OMS_93). As a result of this strong opposition from almost all EU-15 countries at the decision-making stage, the strongest proponents of the mechanism such as Lithuania were 'quite isolated' with their positions (*ibid.*). There was a clear majority in the Council at the decision-making stage against the mandatory *ex-ante* scrutiny and notification mechanism. Due to their fundamentally different position the CEECs had no chance to build a coalition with several of the big EU-15 countries.

The number and size of the member states in favour of the Commission's proposal and of those against the mandatory *ex-ante* mechanism turned out to be of key importance for the outcome of the negotiations. The CEECs had to realise that without the support of at least one or two big EU-15 countries they 'were not in a position to form a blocking minority' (Interview-NMS_94). Among the advocates of the mandatory notification mechanism, Poland was the 'only larger country that was really pushing for this legislation' (Karins quoted in EurActiv 2012a). Even if all eight CEECs had managed to form one group, they would have needed other big and smaller EU-15 countries in order to meet the threshold of 91 votes. Any mandatory *ex-ante* scrutiny mechanism would have been blocked by the big EU-15 countries.

To sum up, at the decision-making stage the CEECs had virtually no chance to build a coalition with other EU member states in favour of the mandatory *ex-ante* notification mechanism due to these countries fundamentally different preferences. Without the support of some big EU-15 countries, Poland and the Baltic States were not able to prevent a dilution of the originally mandatory *ex-ante* compatibility assessment into a voluntary mechanism. Thus, coalition building provides a reasonable explanation for the CEECs' failure to preserve the obligatory *ex-ante* scrutiny mechanism at the decision-making stage.

Moreover, internal unity can increase the impact of a group of member states on a policy. At the agenda-setting stage the CEECs had a similar view on the need for more transparency and compliance of member states' energy IGAs with the EU energy acquis. As underlined by Poland, 'compliance with the Community legislation should be a fundamental paradigm of international agreements concluded by Member States [...] and it is the role of Community institutions to ensure that this principle is observed' (Polish Ministry of Economy 2011a: 10).

At the decision-making stage, the CEECs were divided in their views as to 'when EU member states should inform the Commission about the content of the agreement, before or after the signing' (Interview-NMS_94). While Poland and the Baltic States were in favour of an obligatory *ex-ante* notification mechanism and compatibility assessment, Hungary and Slovenia did not support these ambitious requests.

Slovakia referred to the already existing notification mechanism under the security of supply regulation. Hungary and Slovenia feared that a stronger provision could have repercussions for their bilateral agreements with Russia within the framework of South Stream. They want this pipeline crossing their territories to be built at any costs. As admitted by an official, several CEECs knew that they had energy IGAs that did not comply with the EU energy acquis. For this reason, 'They knew this [information exchange mechanism] would hurt' (Interview-OMS_93). As demonstrated in chapter 7, Hungary, Slovakia and Slovenia usually have a more pragmatic approach to Russia as an energy supplier and are more reluctant to jeopardise their energy relations with Moscow.¹⁰⁷ Poland and the Baltic States usually argue for a more aggressive EU approach towards Russia. For them it was not difficult to team up as they 'have almost the same agreements with Gazprom and Russia' (Interview-NMS_102).

As a consequence, the CEECs ended up having 'a contradictory position' at the decision-making stage (Interview-EU_97). This internal disunity not only undermined their collective weight to make their voice heard in the negotiations on the IGA but also turned those of them who supported the mechanism into less attractive coalition partners. However, it seems unlikely that the CEECs' different positions on the timing of the notification and assessment were the main determinant of their limited impact. Even if all NMS had adopted a united stance at the decision-making stage, they would not have been able to prevent the dilution of the provision. Due to the wide gap between their preferences and those of the EU-15 countries they would have encountered difficulties in finding suitable coalition partners.

The salience of an issue can be a determinant of a member state's impact on a policy outcome. Due to the sensitivity of information to be shared within the framework of the mechanism, the negotiations on the IGA decision turned out to be particularly difficult. Even some EU diplomats themselves were sceptical, stating that they did not see 'any government in a million years agreeing to this' (quoted in Traynor 2011). Ensuring an uninterrupted supply of energy is in the security interest of every member state. Bilateral energy

¹⁰⁷ Slovakia, for example, blamed Ukraine and not Russia for the start of the dispute leading to the gas crisis in 2009. Hungary concluded a lucrative business contract with Russia in January 2014 including a Russian state loan of 10 billion EUR covering 80% of the costs for an expansion of the Paks nuclear power plant in Hungary (Dunai/Grove 2014).

relations with third countries not only represent a core element of a member state's energy security policy but are also regarded as its prerogative and exclusive right. The IGA proposal touched 'upon the most sensitive aspects of member states' bilateral policies' (Interview-NMS_102). For this reason it was not well received by many EU-15 countries already at the agenda-setting stage. From the very beginning the proposal was considered to be 'very difficult to implement' (Azubalis quoted in 15min.LT 2012a).

At the decision-making stage several big EU-15 countries had a vested interest in preventing such a mechanism for economic and political reasons. The UK, France and Italy were supposed to compete for significant new oil and gas supply agreements with Libya at the time the proposal was published (Traynor 2011: 2; Borger/Macalister 2011). France was reported to have already signed a first agreement with the Libya's National Transitional Council (NTC) in April 2011 allowing it to extract 35% of the Libyan oil resources (Rousseau 2011: 3). Italy's ENI signed a first gas and oil supply contract with Libya on 29 August 2011. Many more of such agreements were expected to follow. If the mandatory *ex-ante* notification and information mechanism had become effective they would have had to notify the Commission of the content and conditions of these future contracts which would have been accessible probably to other EU member states within the framework of the suggested database. For this reason they were keen to 'protect their right to keep the policies as they are now – without consultation with other EU member states' (Azubalis quoted 15min.LT 2012a).

Other EU-15 countries such as Germany, the Netherlands or Sweden regarded the mechanism as an attempt by the Commission to extend its competences in the external energy policy and 'control the member states' (Interview-OMS_93). Therefore the opponents of the mandatory *ex-ante* compatibility assessment were resolved to prevent such a mechanism from being included in the IGA decision.

Poland and the Baltic States, on the other hand, had a strong interest in keeping the provision on the mandatory *ex-ante* notification and compatibility assessment mandatory. These provisions would have limited the big EU member states' possibilities for concluding bilateral energy agreements with Russia at the expense of some Eastern newcomers. It would have also enabled the CEECs to thwart Russia's ability to play member states off against each

other (Taylor 2011b). This would have constrained Gazprom's possibilities for exploiting the gas dependency of individual member new states by charging extremely high prices. However not all of these four countries were equally ambitious and committed to the mandatory *ex-ante* scrutiny mechanism. While Poland and Lithuania represented the most adamant supporters of it, Estonia and Latvia were less ambitious and willing to be satisfied with less (Interview-NMS_94).

On the basis of prominence of the mandatory *ex-ante* scrutiny mechanism both groups of member states had a strong interest in securing a particular outcome in the negotiations. The big EU-15 countries had a more favourable bargaining position as they were only interested in preserving the status quo. The CEECs would have disproportionately benefitted from the mandatory character of the contentious provisions. They regarded the mandatory *ex-ante* scrutiny mechanism as a powerful instrument for thwarting Russia's 'divide-and-rule' strategy and constraining Gazprom's monopolistic pricing. In particular to Poland and Lithuania the mandatory scrutiny mechanism was of utmost importance. They tried to mobilise all resources in order to preserve the mandatory character of the provisions (Interview-OMS_93). They even tried to link the negotiations on the information exchange mechanism with those on the Council conclusions in order to get the proposal accepted.

The salience of the obligatory *ex-ante* mechanism partially accounts for the CEECs' failure to preserve the mandatory and *ex-ante* nature of the provision. The opponents of such a provision were in the majority. However, despite Poland's and Lithuania's substantial commitment to the provisions, they did not manage to prevent a change of the provisions into voluntary measures.

4.2.4.2 Institutional sources of impact

As outlined in chapter 2 institutional conditions such as holding the Council Presidency, coalition building with the Commission and the decision-taking rule can provide possible explanations for the failure or success of a member state in shaping a policy outcome according to its preferences.

The Commission presented its proposal for the IGA decision on 7 September 2011 when Poland held the Council Presidency. In EU energy policy the Council Presidency seems at first sight to be more influential as it still chairs

the meetings of the Council working group in contrast to many other EU policy areas. However, as in other policy areas at the decision-making stage it has very limited possibilities for openly shaping a policy outcome according to its preferences due to the Presidency's commitment to neutrality.

As admitted by an official, 'It was no coincidence that the Commission published the [IGA] proposal during the Polish Council Presidency' (Interview-OMS_85). It was in the mutual interest of both. The EU Commissioner for Energy admitted that he counted on the Polish Council Presidency as a strong supporter of a more transparent and coordinated EU energy policy to 'push for a quick ratification' of the decision in the Council (Öttinger quoted in Jozwiak 2011a). For Poland it was important that the Commission published its communication and the proposal for the IGA decision during its Council Presidency.

Indeed, Poland used the agenda-setting powers of its Council Presidency in order to push the discussions on the IGA decision. The Polish Council Presidency put the Commission's proposal for the IGA mechanism on the agenda of the informal meeting of the EU Energy Ministers in Wrocław from 19 to 20 September 2011. Within the framework of a 'tour de table', the EU Ministers for Energy were asked if they agree 'that the proposed information exchange should aim at increasing transparency and solidarity between Member States while safeguarding the integrity of the internal energy market and improving the security of supply within the Union?' (Council Presidency 2011: 1). This first exchange of views was supposed to be an indicator for the possibility of reaching an agreement on this mechanism until December 2011, the end of the Polish Presidency.

However, Warsaw reached its limits at the decision-making stage where holding the Council Presidency turned out to be rather inhibiting. Due to the Council Presidency's commitment to be neutral, Poland had to be quiet in the discussions and could not prevent the other EU member states from diluting the provision (Interview-OMS_93). Of the Baltic States, only Lithuania openly opposed the EU-15 member states' decision to turn the mandatory *ex-ante* compatibility assessment into a voluntary provision. Poland would have liked to be more outspoken but was prevented from doing so due to the Council Presidency's commitment to neutrality.

To sum up, Poland used its Council Presidency for promoting the information exchange mechanism including the mandatory *ex-ante* scrutiny at the agenda-setting stage. Due to the Council Presidency's commitment to neutrality, Warsaw was not in a position to stop other EU member states at the decision-making stage from continuously diluting the provision. But even if Poland had had the possibilities for taking side and actively promoting the mandatory *ex-ante* compatibility assessment, it would have likely failed due to the strong opposition from the other EU member states. Against this background, holding the Council Presidency does not provide a sufficient explanation why the CEECs failed in their attempt to keep the mandatory *ex-ante* scrutiny mechanism at the decision-making stage.

A member state can increase its impact on a policy outcome if it receives support of the Commission for its initiative. The proposal for the IGA decision came from the Commission as outlined above, but was inspired by Poland's experience in involving the Commission in its negotiations over the management of the Yamal pipeline and its early calls for more transparency in EU external energy policy (Polish Ministry of Economy 2011a: 10). The Commission 'served as the mouth of the new member states' with regard to this proposal (Interview-OMS_93). Poland and the Baltic States had the Commission on their side.

The decision to present the proposal was well coordinated by Poland and the Commission.¹⁰⁸ It was planned well in advance of the Polish Council Presidency. At both the agenda-setting and decision-making stage Poland and the Baltic States could count on the Commission's support for the mandatory *ex-ante* scrutiny mechanism.

The Commission, for example, prepared internal non-papers outlining the added value of the scrutiny mechanism that Poland could use in order to promote the initiative at the decision-making stage. In the dialogues, they could also draw on the support of high-level officials within the EP including the Latvian rapporteur and Jerzy Buzek (Interview-OMS_93).

The only process in which the Commission decided to not involve Poland and the Baltic States was the drafting of the proposal which was drafted by a Commission lawyer on the basis of the decision related to the Open Skies Agreements (Interview-EU_98). This turned out to be problematic. Many EU

¹⁰⁸ See on this aspect also the comment made by Öttinger (quoted in Jozwiak 2011a: 2).

member states considered the Commission's proposal to be too radical (Interviews-EU_98 and NMS_103). Even Poland and the Baltic States, while supporting the content of the proposal, 'were not supportive of the shape of the Commission's proposal' (Interview-NMS_101).

To summarise, in the negotiations on the information exchange mechanism Poland and the Baltic States could draw on the Commission's full support for the mandatory *ex-ante* compatibility assessment at both the agenda-setting and the decision-making stage. The Commission assisted Poland and the Baltic States in explaining the added value of the information exchange mechanism. Despite Poland's and the Baltic States' strong alliance with the Commission, the CEECs failed to prevent other EU member states from turning the mandatory *ex-ante* notification mechanism into a voluntary measure. When the Danish Council Presidency took office in the first half of 2012, it gave the Commission and the interested CEECs the choice of either accepting a significantly diluted version of the mechanism or of putting the proposal on hold (Interview-EU_98). Thus coalition building with the Commission does not provide a reasonable explanation for the CEECs' failure to preserve the mandatory nature of the notification and scrutiny mechanism.

In Council negotiations member states can try to exploit decision-making rules in order to increase their impact on a policy outcome. The decision setting up the information exchange mechanism on intergovernmental energy agreement required the votes of a qualified majority in the Council. In order to block the diluted version of the information exchange mechanism Poland and the Baltic States would have had to get the support of other, big EU member states in order to form a blocking minority. Due to the lack of other EU-15 countries' support for the mandatory compatibility assessment Poland and the Baltic States were not in a position to build a blocking minority as outlined above. Against this background, no concrete conclusion can be drawn with regard to the explanatory power of the decision-making rule for the CEECs' failure to preserve the mandatory *ex-ante* compatibility assessment in the final IGA decision.

4.2.4.3 Ideational sources of impact

As outlined in Chapter 2, small EU member states in particular can increase their impact on a policy outcome if they are able to frame their policy proposals or initiatives as of added value to the whole EU and present credible and reasonable arguments supporting their proposal. Moreover timing can play an important role for the success or failure of an initiative.

From the very beginning the Commission's proposal to set up an information exchange mechanism on IGAs was not truly perceived as an initiative of added value for the whole EU. The EU-15 countries regarded it with deep distrust. Member states continued to perceive the initiative as biased at the decision-making stage. Many EU-15 suspected a creeping expansion of the Commission's competences behind it (Interviews-EU_82 and OMS_93). In addition, certain provisions of the IGA proposal were considered to be of particular benefit to the CEECs but not to all EU member states. An official pointed out that the information exchange mechanism was 'primarily an instrument for helping the new member states in their negotiations with Russia, a leverage against Gazprom' (Interview-EU_96). In particular the provision on the mandatory involvement of the Commission in the negotiations on IGAs was presented as a tool for increasing the bargaining power of the CEECs in their negotiations with Russia (Interview-OMS_93). Therefore many EU-15 countries did not see any added value of this mechanism for their bilateral energy relations with third countries (Interview-EU_98). The framing of the information exchange mechanism could account for the EU-15's limited receptiveness to the initiative at the agenda-setting and decision-making stages.

Yet the EU-8 together and the Commission were in a position to present good reasons for the establishment of the mechanism. As acknowledged by the member states in the European Council conclusions of February 2011 there was 'need for better coordination of EU and Member States' activities' to ensure 'consistency and coherences in the EU's external relations' (European Council 2011d: 4). The Commission pointed to the fact that member states were 'under increasing pressure to accept' IGAs with third countries which were not compatible with the EU energy acquis in order to avoid supply disruptions (Commission 2011p: 1). Both Poland and Lithuania were consensus-oriented.

Lithuania, for example, made several constructive proposals with regard to the sharing of information on commercial energy agreements (Interview-OMS_93).

These arguments receded into background at the decision-making stage where most EU-15 argued that the Commission was primarily 'interested in getting more power' and monitoring the member states in the external energy policy (Interview-OMS_93). It can be assumed that several of the opponents' arguments and concerns only served as a pretext for diluting the provision. If those against the compulsory *ex-ante* notification mechanism indeed had had nothing to hide as they argued they would have had nothing to fear from the coming into force of the mechanism (Interview-OMS_93). The argument related to the question of competence appeared to be valid for the provision on the mandatory involvement of the Commission in intergovernmental energy-related negotiations. However, it remains questionable to what extent the mandatory *ex-ante* scrutiny mechanism would indeed limit member states' competence in the external energy policy. It should be in the member states' own interest to ensure a compatibility of their energy agreements with EU legislation.

The same applies to the arguments presented by Poland and the Baltic States in favour of the mandatory *ex-ante* scrutiny mechanism. However, at least these countries made no secret of the fact that such a mechanism would increase their bargaining power in energy-related negotiations with Russia.

In summary, framing and persuasive argumentation could be a possible explanation for the CEECs' failure to preserve the compulsory *ex-ante* notification and scrutiny mechanism but could – conversely – not account for the big EU-15 countries' success in watering the provision down. The EU-8 with the assistance of the Commission could present good arguments for the establishment of the mechanism but not all of them were altruistic. The EU-15's arguments presented against the mandatory information exchange mechanism did not appear to be credible and altruistic either. Consequently the explanatory power of framing and persuasive argumentation for the CEECs' failure to preserve the mandatory notification mechanism remains questionable.

It is not clear to what extent autumn 2011 represented a good timing for presenting the IGA proposal. Several of the big EU-15 countries such as France, Italy and the UK were in the process of negotiating dubious oil supply contracts with Libya's NTC (Borger/Macalister 2011). Some of the CEECs such as Hungary and Slovenia signed their agreements with Russia on the

construction of the South Stream pipeline just in the period from 2010 to 2011. Against this background it was certainly 'not a favourable moment for making the proposal' (Interview-EU_97).

Nevertheless it seems unlikely that the EU-15 would have had fewer reservations about the mechanism if it had been presented earlier or later. First, on the basis of Article 13 (6) of the security of supply regulation member states are already obliged to inform the Commission of certain gas IGAs as outlined above. Second, those EU-15 countries which were negotiating dubious energy supply contracts with third countries would have needed to fear the repercussions of the mandatory *ex-ante* scrutiny mechanisms also if it had been proposed one year later.

To sum up, the timing of the proposal provides a reasonable explanation why the proposal for the information exchange mechanism was in general not well received by many EU member states at the agenda-setting stage. Yet it seems unlikely that the outcome would have been significantly different if the mechanism had been suggested one year later. Thus the timing of the proposal was certainly not the key determinant of the CEECs' failure to preserve the provision on the mandatory *ex-ante* compatibility assessment at the decision-making stage.

4.2.4.5 Preliminary conclusions

Due to the strong opposition from most EU-15 countries to the mandatory *ex-ante* scrutiny and notification mechanism, the CEECs had no chance to build a coalition in favour of the provision. At the decision-making stage the CEECs found themselves faced with the choice of either losing the whole proposal or accepting a watered-down version. They were not in a position to build a blocking minority. 'In order to prevent outright rejection of the proposal' they accepted the diluted version (Council Presidency 2012: 3). Institutional and ideational sources of impact turned out to be of importance for the CEECs' ability to shape a policy outcome according to their preferences at the agenda-setting stage.

5. Conclusions

This chapter has demonstrated that the EU-8's impact on the substance of EU energy security has varied from case to case. Its impact on the regional coverage of EU energy security has been medium to considerable. The Baltic States succeeded in their attempt to underline the special status of energy islands and they managed to set a deadline for the elimination of energy islands at the EU level. The special status of energy islands has been highlighted in soft law instruments as well as legislative acts of high political relevance. It represents a new aspect of the regional coverage of EU energy security policy. Moreover, the elimination of energy islands was also included as one of the criteria for the selection of PCI projects. The same applies to BEMIP and to a lesser extent the North-South interconnections in Central-Eastern Europe. But the latter did not lead to a different prioritisation of regions within the EU's energy security due to similar projects for Western and Southern Europe. As outlined above, the launch of both initiatives cannot be attributed to the CEECs only. The priority to work on the interconnection of these regions was already on the EU's agenda.

The EU-8 had limited impact on the priorities of EU energy security policy. While the CEECs managed to promote the visibility of the external dimension of EU energy policy, their impact remained limited to soft law instruments. Apart from the fact that the Council conclusions of November 2011 entailed further conclusions dealing with the external dimension of EU energy policy, their implications for the implementation of EU energy security were limited.

The EU-8's impact on the instruments of EU energy security policy has been mixed, which is summarised in Table 8.1. In terms of the impact on provisions of the new TEN-E regulation, they managed to ensure that the criteria for the selection of the PCI projects take account of their concerns. Their impact on the IGA decision has been limited to a provision binding EU member states to share the information on the energy IGAs. However this provision offers many loopholes for escaping the information sharing.

Table 8.1: The CEECs' impact on the substance of the EU's energy security policy

	Main request	Legislative act or soft law	High or low relevance	EU or EU and multilateral level	Marginal or considerable change
Regional coverage	Commitment to a deadline for the elimination of energy islands	Soft law instruments and legislative acts	High relevance	EU level	Some change with implications for policy implementation
	Stronger integration of the Baltic States into the EU's energy infrastructure (BEMIP)	Soft law instruments and legislative acts	High relevance	EU level	Change with implications for policy implementation
	More energy interconnections among the countries of Central-Eastern Europe (N.-S. interconnections)	Soft law instruments and legislative acts	High relevance	EU level	Change but no different prioritisation of the regions
Objectives and priorities	Promotion of the external dimension of EU energy policy (Council conclusions Nov. 2011)	Soft law instruments	Medium to high relevance	EU level	Marginal change, no implications for the policy implementation
Instruments	Securing funding for key energy infrastructure projects	Soft law instruments and legislative acts	High relevance	EU and multilateral level	Change with implications for policy implementation
	Information sharing and compliance of intergovernmental energy agreements with EU energy acquis (IGA decision)	Legislative act	High relevance	EU and multilateral level	Marginal change with limited implications for policy implementation

As demonstrated in this chapter, EU energy security represents an area where the EU-8 managed to have impact at the agenda-setting and decision-making stage. This impact was limited to the agenda-setting stage in the case study dealing with the establishment of the information exchange mechanism on IGAs and the case study analysing their impact on the Council conclusions of November 2011.

The EU's energy security policy represents an emerging area of the EU's foreign policy. In line with hypothesis 7, the EU-8's impact attempts analysed in

this chapter can be classified as mainly either divisive and/or innovative. The emphasis on energy islands, BEMIP, the North-South interconnections in Central-Eastern Europe as well as the IGA decision and the Council conclusions of November 2011 represent cases of their innovative impact. Their impact on the new TEN-E regulation can be classified as divisive.

In line with hypothesis 4, the EU-8's failed to have impact at the decision-making stage in those cases where they did not manage to build a coalition with several large EU-15 countries or where their initiatives encountered strong opposition from several large EU-15 countries. This was seen in the cases of the IGA decision and the Council conclusions of November 2011. They succeeded in having an impact at the decision-making stage in those cases where they managed to gather the support of other old and large EU member states as in the case of energy islands or where their initiatives did not encounter strong opposition from large EU-15 countries as in the case of BEMIP and the North-South energy interconnections.

Institutional and/or ideational sources turned out to be of relevance for the CEECs' impact at the agenda-setting stage. As demonstrated in the in-depth case on the adoption of the Council conclusions of November 2011, Poland used its Council Presidency for promoting the discussions on the further development of the external dimension of EU energy policy.

Chapter 9

Conclusions

The EU's Eastern enlargement in 2004 and 2007 'has provided political scientists with 12 additional cases to examine national policy preferences and behaviour in the EU' (Copsey/Haughton 2009: 264). Since the accession of the eight countries from Central and Eastern Europe a decade has passed in which five CEECs held the Council Presidency providing them with additional opportunities to shape EU foreign policy according to their preferences (Baun/Marek 2013a: 1). Already before their accession there was much speculation among academics and policy-makers about the impact of the 'new' member states from Central and Eastern Europe on EU foreign policy. While some feared that the Eastern enlargement could lead to deadlock in EU foreign policy making, due to the EU-8's substantially different foreign policy priorities and preferences, others expected the CEECs to contribute to an 'Easternization' of EU foreign policy (Sjursen 1999: 17; Cohen 2007).

This thesis has analysed the impact of the CEECs on the substance of EU foreign policy along three aspects, regional coverage, policy objectives and priorities and policy instruments. By drawing on selected in-depth case studies from three areas of EU foreign policy, development cooperation, Neighbourhood Policy East and EU energy security policy, it has sought to examine how and to what extent the Eastern newcomers have tried to affect the substance of these policy areas and what accounts for the variance in their impact: material, and/or institutional, and/or ideational factors. In order to better reflect the different kinds of the EU-8's impact, the thesis has differentiated between three impact categories, defensive, divisive and innovative. Before summarising the thesis' findings on what accounts for the variance in the CEECs' impact on the substance of the three areas of EU foreign policy, it is necessary to first turn to the empirical findings on the kind and extent of the EU-8's impact on the substance of these policies.

1. Conclusions on the empirical findings

One of the main empirical research questions this thesis has tried to answer focused on what impact the CEECs have had on the substance of the three areas of EU foreign policy and to what extent they have managed to shape the content of these policies according to their preferences. The hypotheses suggested that the CEECs' impact would likely be low and defensive in long-established and traditional areas of EU foreign policy and higher and divisive and/or innovative in new areas or areas with a strong regional focus where the EU-8 can draw on ideational and/or material resources (see hypothesis 4, 5, 6 and 7).

The analysis and evaluation of the CEECs' impact on the substance of EU foreign policy has demonstrated that their impact has been mixed and varied in form and extent according to the three areas, the different stages of the policy-making process and the individual policy outcomes. In general it falls short of the expectations raised before the 'big bang' enlargement. The agenda-setting stage has been more open to the EU-8's impact. The EU-8 managed to push several issues such as the harnessing of their transition experience in EC/EU development policy, the promotion of more transparency and coordination in the EU's energy security policy, a deadline for the elimination of energy islands within the EU and the imposition of EU sanctions against the Belarusian leadership up the EU's foreign policy agenda. However at the decision-making stage their impact often remained limited. This was seen in the following instances: the IGA decision, the implementation of the ETC, the Council conclusions of November 2011 and the request for a clear membership perspective for some Eastern ENP partners.

Despite the sheer number of the CEECs that joined the EU in 2004, their impact on the substance of EC/EU development policy has been marginal and largely defensive with the exception of the European Transition Compendium. Compared to previous enlargements, the EU-8 had only marginal impact on the regional coverage of EC development policy limited to soft law instruments with no tangible implications for the policy implementation. On the instruments of EC development policy the EU-8 tried to have innovative impact as demonstrated in the case study on the European Transition Compendium. While references to their transition experience were also included in legislative acts and resulted in

the elaboration of a database, the EU-8 failed to get a budget line for transition cooperation. These empirical findings confirm the fourth and sixth hypothesis. In line with the fourth hypothesis the CEECs' impact on the substance of EC/EU development policy was low and/or limited to the agenda-setting stage due to their limited material sources in this policy area. In accordance with the sixth hypothesis, their impact on EC/EU development cooperation as a long-established traditional area of EU foreign policy has been mainly 'defensive'.

Their impact has been higher on the instruments and to a lesser extent on the objectives of the Eastern dimension of the European Neighbourhood Policy where it can be classified as mainly divisive and/or innovative. The EU-8 failed to get a clear membership perspective for selected Eastern ENP countries but succeeded together with other 'old' EU member states in pushing the Council to adopt economic and financial sanctions against the Belarusian leadership with some limited implications for the policy implementation. The EU-8's impact has been considerable on the negotiations leading to visa facilitation for the Eastern ENP countries where they to a large extent attained their preferences with tangible implications for the implementation of the policy. Their impact on the implementation of a stricter application of conditionality in the new ENI regulation can be regarded as medium. While they managed to partially attain their preferences and the outcome is highly relevant with implications for the allocation of ENI funds, it cannot be attributed to them alone. These empirical findings largely confirm the validity of the fourth, fifth and seventh hypothesis. In accordance with the fourth and fifth hypothesis the CEECs' impact was higher on those ENP aspects or negotiations where they could mobilise some material resources and limited in situations where they faced strong opposition from 'old' large member states. Moreover, in line with the seventh hypothesis their impact on the Eastern dimension of ENP as a policy area with a strong regional focus has been either divisive and/or innovative.

Their impact on the substance of EU energy security policy has been considerable and innovative on the aspect of regional coverage with regard to the special status of energy islands. This has been demonstrated by the recognition of the special status of energy islands and the BEMIP initiative. Their impact on the objectives and priorities of EU energy security policy has been low, mainly limited to soft law instruments and innovative. This has been shown by the failure to preserve the content of the key provisions in the Council

conclusions of November 2011. On the instruments of EU energy security policy, their impact varied from case to case and in form. It can be classified as low and innovative in the case of the IGA decision and medium and divisive in the case of certain provisions of the new TEN-E regulation. The findings on their impact on the substance of EU energy security policy largely support the assumptions of the fourth, fifth and seventh hypothesis. In line with the fourth and fifth hypothesis, the CEECs' impact was low and/or limited to the agenda-setting stage if their initiatives faced strong opposition from large EU-15 countries resulting in limited possibilities for coalition-building, as one of the most relevant material resources for impact. In line with the seventh hypothesis their impact attempts on EU energy security as an emerging area of EU foreign policy have been either divisive and/or innovative. The empirical findings are summarised in Table 9.1.

Table 9.1: Evaluation of the CEECs' impact on the substance of the three areas of EU foreign policy

EC/EU development policy		
	Main request	Impact
Regional coverage	It's not all about Africa!	Defensive and low (EC)
	Focus on MICs	Defensive and low (EC)
Policy objectives and priorities	Separate, lower ODA targets	Defensive and low (EC)
Policy instruments	Operationalisation of the ETC	Innovative and low to medium
Eastern dimension of ENP		
Policy objectives and priorities	A clear membership perspective for selected Eastern ENP countries	Divisive and low
	Imposition of tougher sanctions against Belarus	Divisive and innovative, medium
Policy instruments	Fast visa facilitation for the Eastern ENP countries	Divisive and considerable
	Implementation of stricter conditionality in the new ENI regulation	Divisive and innovative, medium
EU energy security policy		
Regional coverage	Commitment to a deadline for the elimination of energy islands	Innovative and considerable
	Stronger integration of the Baltic States into the EU' s energy infrastructure (BEMIP)	Innovative and medium
	More energy interconnections among the countries of Central-Eastern Europe (N.-S. interconnections)	Innovative and low to medium

Policy objectives and priorities	Promotion of the external dimension of EU energy security policy	Innovative and low
Policy Instruments	Securing funding for key energy infrastructure projects	Divisive and medium
	Information sharing and compliance of IGAs with the EU energy acquis (IGA decision)	Innovative and low

A further question to be addressed in this thesis was whether the CEECs' impact has been limited to areas of EU foreign policy where the Eastern newcomers have strong regional or national interests or whether it has also reached out to long-standing traditional areas of EU foreign policy. The empirical findings as summarised above suggest that their impact attempts mainly focused on areas where they have strong regional or national interests such as the Eastern dimension of ENP and the EU's energy security policy. While they have also tried to affect selected aspects of EC/EU development policy as a long-established traditional area of EU foreign policy, they have had only limited success.

2. Conclusions on the theoretical assumptions

One of the core theoretical questions addressed in this thesis was what explains the variance in the EU-8's impact on the substance of EU foreign policy. Why have the EU-8 sometimes managed to have an impact and other times failed to shape the policy according to their preferences? To answer this question the thesis has drawn on a combination of various factors subsumed under three categories, material, institutional and ideational resources for impact.

The findings of this thesis have demonstrated that the importance of the material, institutional and ideational factors for the EU-8's impact varies according to the different stages of the EU foreign policy-making process.

The first hypothesis has assumed that the CEECs' impact depends on material sources. It is closely associated with the fifth hypothesis which has postulated that the CEECs' impact will likely reach out to the decision-making stage if they manage to mobilise material sources. The thesis' findings support the validity of these hypotheses to the extent that not all but mainly one material source, namely coalition building with large 'old' member states, matters to the

EU-8's impact at the decision-making stage. Coalition building with large EU-15 countries was a decisive resource for the EU-8's impact in all case studies analysed in the thesis. The relevance of the other material sources varied according to the individual policy outcomes. The discussions on the implementing of the ETC demonstrated that the EU-8 countries were able to put transition cooperation on the EC's development policy agenda. This was despite the lack of support and interest by the EU-15 countries, the CEECs' internal disunity concerning the operationalisation of the ETC and the high salience of the issue for them. However, the initiative stalled at the early decision-making stage due to the lack of coalition partners among the EU-15 and the internal divisions among the CEECs. While the half-hearted support for the initiative of some CEECs as well as of the Commission cannot be excluded as explanatory factors, the findings of the process-tracing suggested that they were not as relevant as coalition building. In order to have impact at the decision-making stage the EU-8 countries depend on the support of several large EU-15 countries.

This has been demonstrated in the case study on the EU-8's impact on the Council decisions to impose tougher sanctions against the Belarusian leadership and the discussions on a membership perspective for some Eastern ENP countries. Despite their expertise and the reliability of their information, Poland, Hungary and the Slovak Republic initially did not manage to press the Council to adopt economic and financial sanctions against the Belarusian leadership. Their impact increased when they succeeded in getting the support of Germany and France for such measures in return for some concessions concerning the form of these sanctions.

Alternative explanations such as the timing seem valid but cannot explain why the EU-8's initial impact was low despite the gross violations of human rights in December 2010. Other case studies confirmed the importance of coalition building with large EU-15 countries for the EU-8's impact at the decision-making stage. The EU-8 did not manage to preserve the content of the key provisions in the Council conclusions of November 2011 and the decision of the establishment of the information exchange mechanism against the opposition from the EU-15 countries. The EU-8 alone was not in a position to build a blocking minority or push provisions through which large EU-15 countries opposed. Although other explanatory factors such as the timing or

framing of these initiatives cannot be excluded as explanations for the EU-8's limited impact, process-tracing and the analysis demonstrated that they were not the decisive explanatory factors.

The relevance of internal unity among the CEECs varied from case to case. The discussions on implementing the ETC, the imposition of tougher sanctions against Belarus and the establishment of the information exchange mechanism on IGAs showed that there was not much unity among the CEECs. But this did not prevent them from having an impact at the agenda-setting stage. At the decision-making stage, internal disunity accounted for their partial attainment of preferences with regard to the ETC. It cannot account for their impact on the implementation of the 'more for more' approach and the imposition of economic sanctions against the Belarusian leadership. Despite their internal unity they did not manage to get a clear membership perspective for some Eastern ENP countries.

These findings confirm the relevance of mainly one material resource, namely coalition building, for the CEECs' impact at the decision-making stage. They support the validity of the first and fifth hypothesis to the extent that not all but mainly one material resource matters to their impact at the decision-making stage. The relevance of the other material sources to the CEECs' impact at the decision-making stage could not be confirmed and varied from case to case.

The second hypothesis has claimed that the CEECs' impact depends on institutional resources for impact such as holding the Council Presidency, alliance building with the Commission and the voting rule. The findings of this thesis partially confirm the validity of this hypothesis. The case studies analysed in this thesis demonstrated that institutional resources for impact were, if at all, important for the EU-8's ability to have impact at the agenda-setting stage but were less relevant to the CEECs' impact at the decision-making stage. The Czech Republic used its Council Presidency to open discussions on the possible operationalisation of the EU-8's transition experience in EC/EU development policy. Poland and Hungary used their Council Presidencies for promoting the discussions on the further development of the external dimension of EU energy security and for introducing more transparency and coordination in the EU's energy security. The Commission's support for an initiative as another institutional resource for impact further enhanced the EU-8's ability to have impact at the agenda-setting stage. To push the discussions on

implementing the ETC the Czech Republic turned to one high-level Commission official for assistance. In the case of the establishment of the information exchange mechanism the EU-8 closely cooperated with the Commission. However as demonstrated in several case studies the Commission's support was not always necessary for the EU-8's impact at the agenda-setting stage. Hungary and Poland placed the question of tougher sanctions against Belarus on the EU's agenda despite the High Representative's initial modest response. The EU-8 together with several EU-15 countries succeeded in putting the implementation of the 'more for more' and 'less for less' approach on the EU's ENP agenda despite the Commission's opposition to the introduction of ranges.

Holding the Council Presidency and the Commission's support did not provide compelling explanations for the EU-8's impact at the decision-making stage. Holding the Council Presidency proved to be rather an obstacle to the EU-8's impact at the decision-making stage. Poland could not openly push for keeping the provision on the mandatory *ex-ante* compatibility assessment in the IGA decision due to the Presidency's commitment to neutrality. Despite the Commission's strong support for the initiative, Poland and the Baltic States failed to preserve this provision. Some EU-8 countries together with several 'old' member states succeeded in including provisions on the ranges of performance-based assistance in the new ENI regulation despite the Commission's resistance to such ranges.

The voting rule was a decisive factor for the EU-8's impact in two cases. Due to the threat to use their veto, Slovenia and Latvia succeeded in taking off two Belarusian companies from the EU's assets freeze list. In the negotiations on the establishment of the information exchange mechanism, Poland and the Baltic States could not prevent a dilution of the provision on the obligatory *ex-ante* compatibility assessment as they were not in a position to form a blocking minority.

Based on these findings the validity of the second hypothesis can be confirmed only to the extent that institutional resources for impact have been, if at all, relevant to the CEECs' impact at the agenda-setting stage, less to their impact at the decision-making except the voting rule which in two cases turned out to be a decisive factor for their impact at the decision-making stage.

The third hypothesis has postulated that the CEECs' impact depends on ideational factors such as persuasive argumentation, framing and the timing of

a policy proposal. The thesis' findings partially confirm the validity of this hypothesis. The analysis of the EU-8's impact as carried out in this thesis demonstrated that ideational sources were important for the EU-8's impact at the agenda-setting stage, less so at the decision-making stage. Despite their expertise and experience with the management of political and economic transition processes, the EU-8 only partially managed to attain their preferences with regard to the operationalisation of the ETC at the decision-making stage. In this case it cannot be ignored that the biased framing of the ETC prevented the EU-8 from gathering the support of other EU member states for the initiative. Regional expertise also accounted for the EU-8's success in determining the EU's agenda on its approach towards Belarus. However the relevance of this expertise decreased at the decision-making stage where national interests came to the fore.

The EU-8 could also present persuasive arguments for the introduction of more coordination and coherence in the EU's energy security policy, as well as the provisions leading to a stricter implementation of conditionality in the new ENI regulation. Certainly not all of the EU-8's arguments were altruistic. However at the decision-making stage these arguments receded into the background. In the case of the imposition of tougher sanctions against Belarusian leadership Slovenia and Latvia succeeded in attaining their preferences despite the lack of persuasive arguments for their position and their non-adherence to key norms of EU policy-making. Therefore with the exception of the ETC case study where the biased framing cannot be excluded as an explanation for the EU-8's limited impact, ideational sources were of limited relevance for the EU-8's impact at the decision-making stage.

The relevance of timing for the EU-8's impact varied according to the different stages of the policy-making process and the individual outcomes. The Arab Spring served as a window of opportunity for continuing the discussions on the operationalisation of the ETC and the 'more for more' approach in the new ENI regulation at the agenda-setting stage. However at the decision-making stage it cannot explain why the EU-8 did not fully attain their preferences with regard to implementing the ETC or a stricter application of conditionality in the new ENI regulation.

To sum up, the thesis' findings largely confirm the prevalence of material sources and therefore intergovernmentalism at the decision-making stage. With

the exception of Poland, other CEECs are small states and one main obstacle to their impact at the decision-making stage was the lack of material resources (Baun/Marek 2013b: 218). In line with the first and fifth hypothesis, the CEECs' impact at the decision-making stage depended on their ability to build a coalition with large 'old' EU member states supporting or at least not opposing their initiative. The relevance of the other material sources to the CEECs' impact at the decision-making stage varied from case to case.

Institutional and ideational sources of impact in line with the second and the third hypothesis were rather relevant to the EU-8's ability to set the agenda or push their initiatives up the EU's agenda but less to their impact at the decision-making stage. In general, the agenda-setting stage proved more open to the EU-8's impact.

3. Taking the research further – How the findings contribute to the existing literature

The findings of this thesis offer significant potential for taking existing research on the role of the 'new' and 'small' member states in EU foreign policy and the evaluation of member states' impact further.

The question how and to what extent the 'new' EU member states from Central and Eastern Europe have tried to impact on EU foreign policy has been of increasing interest to scholars (for example Baun/Marek 2013a; Arregui/Thomson 2009). However, as argued by Baun and Marek, 'There are to date no broader comparative studies' on the EU-8's role in EU foreign policy (2013a: 1). The few existing studies have either focused on Poland and its impact on the Eastern dimension of ENP or the EU's policy towards Russia (see Pomorska 2008; Copsey/Pomorska 2010; Kaminska 2010a and 2010b; Roth 2011) or on the implications of the Eastern enlargement on one area of EU foreign policy such as energy policy (Maltby 2014; Misik 2010 and 2013). Most of these studies have limited themselves to identify and describe the impact of Poland or several selected CEECs on the EU's foreign policy, but refrained from specifying the extent and type of impact Poland or the other EU-8 had and on what exactly they had impact. Instead, they have focused on the CEECs' impact on single initiatives and events related to the respective area of EU foreign policy such as Poland's impact on the EU's response to the Orange Revolution

in Ukraine (Roth 2011) or that of the Visegrád countries on the EU's response to the Russian-Georgian war (Cadier 2009; Parmentier 2009).

The analysis of the EU-8's impact on the substance of EU foreign along the three aspects, geographical coverage, policy objectives and priorities and policy instruments examined here allows for a much more precise assessment of the EU-8's impact. By differentiating further between three categories of the EU-8's impact, defensive, divisive and innovative, the thesis has provided an answer not only to the question on what or which aspect the EU-8 has had an impact if any, but also to the question of the type of impact they had.

This differentiation is important and useful for several reasons. What does it tell us about Poland's impact on ENP if a study argues that Poland's efforts 'led to the launch of the Eastern Partnership' or the establishment of the European Endowment for Democracy (Copsey 2013: 207)? Not much more than Poland had some kind of impact in this case. The findings of such studies are largely limited to one aspect of ENP or other areas of EU foreign policy only. They do not tell us whether, and if so, how this initiative has affected the content of the policy, whether it adds something new to the policy or simply increases existing cleavages on certain aspects. Moreover they do not tell us whether Poland's impact was only limited to this single initiative or involved other initiatives.

The distinction between the three categories of impact, defensive, divisive and innovative is a further contribution of this thesis to the existing research on (new) member states' impact. It has been neglected so far in existing studies analysing the CEECs' impact on the EU's foreign policy. They have mainly focused on cases of their innovative impact such as the establishment of the Eastern Partnership, the European Endowment for Democracy or the inclusion of the energy solidarity clause in the Lisbon Treaty. The distinction between the three categories as developed in this thesis allows for a more accurate evaluation of the EU-8's impact. As demonstrated in this thesis, the new member states do not need to add a new aspect or make an innovative proposal leading to a change of the policy substance in order to have impact (innovative impact). They can also have impact by defending their key preferences and consequently preventing a change of the policy substance (defensive impact). Moreover they can also have impact by tipping the balance in the Council in favour of one particular outcome (divisive impact).

As shown in this thesis the EU-8 has had defensive impact on those aspects of policy substance that are of little importance to them and where they lack experience, expertise and material resources such as funding. This could be seen in EC/EU development cooperation, a long-standing traditional area of EU foreign policy. It represents an area of EU foreign policy to which they cannot make significant contributions in terms of know-how and ODA spending. Moreover it does not belong to their foreign policy priorities.

They can have divisive and/or innovative impact in those areas of EU foreign policy where they either have experience and expertise on their own and/or which are rather new and therefore more open to their impact. In the EU's policy towards the Eastern neighbourhood the EU-8 countries can draw on significant regional expertise and experience. It represents one of their core foreign policy priorities for which they are willing to mobilise significant material resources. Their impact is divisive on those aspects of policy substance that were contested among EU member states already before the Eastern enlargement. Similar findings could be expected with regard, for example, to their impact on the EU's enlargement policy or the EU's defence and security policy.

The EU-8 can be expected to have innovative impact in those areas of EU foreign policy which are still emerging and where they have strong preferences such as EU energy security policy.

Several studies make an effort to explain why Poland succeeded or failed to shape a policy outcome according to its preferences (Kaminska 2010a and 2010b; Roth 2011; Copsey/Pomorska 2010; Nasieniak 2012). However, the findings are often limited to Poland and to the cases analysed in these studies. Poland is the only large 'new' member state. For this reason the findings concerning its impact allow for limited conclusions about the conditions for impact of the other CEECs which are small states. These studies do not allow for broader conclusions about the impact of the Eastern enlargement on the EU's foreign policy. As outlined in chapter 1, this thesis treats the EU-8 as a group which has advantages but also some weaknesses. It allows for broader and more comprehensive conclusions about the EU-8's impact on the EU's foreign policy. In addition such an approach takes account of the significant differences between the preferences of the EU-8 and the 'old' EU member states in EU foreign policy (see Lequesne 2012: 275). However as the analysis

has shown at the decision-making stage there was often not much unity among the EU-8 countries. Neither the EU-8 nor the EU-15 have always acted as two separate blocks (*ibid.*). In several Council negotiations coalitions often comprised of some CEECs and some 'old', usually small, EU member states. In many cases where the EU-8 tried to have impact Poland played a leading role compared to the other EU-8 countries. This finding confirms the assumption that 'size [...] is the main decision-making resource in the Council' (Lequesne 2012: 272).

Many of those studies which have tried to measure Poland's or several CEECs' impact have done so primarily according to the extent of these countries' preference attainment alone or have drawn on the 'uploading' aspect of the Europeanisation concept (exception Vandecasteele/Bossuyt/Orbie 2013; Roth 2011). Evaluating impact according to the extent of preference attainment 'is likely to overestimate' impact as outlined by Dür (2008: 569). By using this method Arregui and Thomson, for example, come to the conclusion that the EU-8 countries 'are having relatively high levels of bargaining success' in negotiations on various legislative proposals including the former ENI regulation (2009: 656).

Studies referring to the 'uploading' dimension of Europeanisation have remained rather vague on what accounts for a country's success in promoting its initiatives, instead have stated that some of the EU-8 countries have learned 'to "play the game" within the EU' (Baun/Marek 2013b: 218). So have several other studies that have tried to explain Poland's, or the other CEECs', impact which have not based their analysis on a clear analytical framework (Copsey/Pomorska 2010; Pastore 2013). Moreover they have often not differentiated between the EU-8's impact according to the different stages of the policy-making process. This distinction appears necessary and important as it allows for a more nuanced and detailed evaluation of the EU-8's impact on the EU's foreign policy. As has been demonstrated in this thesis, the EU-8 managed to push certain issues higher on the EU's foreign policy agenda such as transition cooperation or the external dimension of the EU's energy security. Thus they had impact at the agenda-setting stage but they failed to shape the outcome according to their preferences at the decision-making stage and consequently had low impact. The theoretical and analytical framework used in

this thesis has allowed for more detailed and systematic conclusions about the EU-8's impact and the relevance of the respective resources for their impact.

The analysis carried out in this thesis is not limited to just early attempts by the EU-8 in those areas of EU foreign policy where the CEECs were expected to have an impact, as previous studies on Poland's or the CEECs' impact, but covers one traditional and long-established area of EU foreign policy, development cooperation, to which the EU-8 have attached little importance so far. This broad coverage allows for conclusions of their impact across a broad range of areas of EU foreign policy, including traditional and emerging areas of EU external action.

Thorhallsson and Wivel argue that the Eastern enlargement has 'changed the balance between small and big EU member states' within the Council (2006: 651). Apart from Poland, all CEECs are small states and for this reason the findings of this thesis have implications for research into small states' impact on EU foreign policy.

There are several authors who argue that small states can have an impact on EU foreign policy if they meet certain conditions (Jakobsen 2009; Arter 2000; Bunse 2009; Romsloe 2004; Björkdahl 2008). According to Arter, small states can punch above their weight if their initiatives are innovative and presented as of added value to the EU, if they position themselves as 'honest brokers' and succeed in building a broad coalition in favour of the initiative (2000: 679). Jakobsen notes that small states can have an impact on EU foreign policy if they have a forerunner reputation, underpin their initiative by persuasive arguments, build a broad coalition in favour of their proposal and have sufficient human and financial resources on which they can draw in order to promote the idea (2009: 86-88).

However many of these studies lack a clear theoretical and/or analytical framework (except Romsloe 2004; see, for this criticism also Nasra 2011: 164). By examining the relevance of three or four different criteria for small states' impact, these studies do not allow for comparisons or systematisations of their results (see Nasra 2011: 164). The analytical framework for assessing the 'new' and most 'small' EU member states' impact as developed in this thesis has differentiated between three categories of factors which have been theoretically-informed and systematically applied to the different cases of these

countries' impact. It therefore makes the findings on small states' impact more comparable across different cases and different areas of EU foreign policy.

Many existing studies on small states' impact on EU foreign policy concentrate on only one area of EU foreign policy where the respective small states were expected to have an impact, such as the Nordic countries and the civilian dimension of ESDP (Jakobsen 2009) or Finland and the Northern Dimension (Arter 2000). Nasra argues that it is necessary to assess the impact of small states 'across various areas of EU foreign policy' in order to derive more general conclusions (2011: 165). The findings of this thesis allow for conclusions about whether small states' impact has been only limited to those (niche) areas where they have strong interests and the factors accounting for their varying impact.

The findings of this thesis confirm some of the conditions for small states' impact explored in other studies. Many studies that have analysed small states' impact on EU foreign policy focused on resources which could be subsumed under ideational and/or institutional factors as used in this thesis. They assume that 'arguments matter' (Wivel 2010: 20; Lewis 2006: 287; Pastore 2013: 75; Romsloe 2004: 8). Other authors underline the relevance of a small state's expertise, knowledge and experience for its impact on a policy or its adherence to key norms of EU foreign policy-making including consensus-seeking behaviour and readiness to compromise (Björkdahl 2008; Nasra 2010; Jakobsen 2009). Some of these authors also point to the importance of coalition-building for a small state in order to have impact. This is often defined in these studies as a diplomatic skill at the expense of its material relevance in terms of pooled voting power (see Arter 2000: 679; Baun/Marek 2013b: 218; Björkdahl 2008: 138). Authors such as Bunse (2009) focus on the role of institutional conditions for a small state's impact including holding the Council Presidency and its cooperation with the Commission.

The findings of this thesis do not disprove the relevance of these conditions for small states' impact on EU foreign policy. However, they allow for a stronger differentiation in terms of their relevance for small states' impact. They demonstrate that it is not a question of whether material, *or* institutional *or* ideational resources matter for small states' impact but rather *how* they interact and *when* or *at what stage* of the EU foreign policy-making the one or the other matters more. As underlined by Thorhallsson and Wivel, it is necessary to

understand 'the interaction of materialist and idealist factors' in order explain small states impact (2006: 664). Only a few studies differentiate between small states' impact at the agenda-setting and decision-making stage. Bunse, for example, highlights the agenda-setting powers of the Council Presidency but at the same time seems to be aware that holding the Council Presidency 'paradoxically, [...] may not provide a good opportunity for advancing national [...] policy objectives' (Whitmann quoted in Bunse 2009: 43).

The findings of this thesis endorse the conclusions of some studies on the impact of small states with regard to the relevance of coalition-building, the salience of issues, holding the Council Presidency, the voting rules and alliance building with the Commission. Thorhallsson and Wivel conclude that 'When small states have succeeded in influencing EU policy, coalition-building has been decisive' (2006: 660). The analysis carried out in this thesis has also demonstrated that coalition-building has been a decisive factor for the EU-8's impact on EU foreign policy in all cases of the EU-8's impact analysed in this thesis. Moreover in line with Wivel's conclusion that 'political initiatives from small EU member states should avoid being in conflict with [...] political proposals of the big EU member states' the analysis carried out in this thesis has demonstrated that those initiatives of the EU-8 which encountered strong opposition from the 'Big Three' such as the demand for an accession perspective for some Eastern ENP countries, the strive for more coordination among EU member states in international energy fora or the obligatory *ex-ante* compatibility assessment mechanism within the framework of the IGA decision failed at the decision-making stage (2010: 24).

Other authors such as Jakobsen admit that the Nordic countries had impact on the development of the civilian ESDP dimension because the initiative 'did not contradict the vital interests of the big three' (2009: 97). This has been demonstrated in this thesis in the sections analysing the EU-8's impact on the different ODA targets, the exception with regard to the regional focus of EU development policy, the establishment of BEMIP and the North-South interconnections in Central-Eastern Europe.

The findings of this thesis also confirm the relevance of the voting rule for small states' impact in two cases. According to Wivel and Thorhallsson, the need for unanimity enables small states to punch above their weight whereas qualified majority voting puts large EU member states in a more favourable

position (2006: 660). In the case of the Council's decisions to impose tougher sanctions against the Belarusian leadership, Slovenia and Latvia managed to take two Belarusian companies off the asset freeze list by threatening to veto the decision. In the case of the provision on the obligatory, *ex-ante* compatibility assessment of member states' IGAs, the EU-8 countries were not in a position to form a blocking minority in order to prevent a dilution of the provision. In the other cases of the EU-8's impact analysed in this thesis, voting rules did not play a decisive role.

In line with Bunse's assumption those EU-8 which held the Council Presidency made use of the Council Presidency's agenda-setting powers, not necessarily in order to put radically new issues on the EU's foreign policy agenda but to push some of the existing points up the agenda such as transition cooperation, the promotion of the external dimension of EU energy security or the EU's policy towards Belarus. While Bunse (2009: 206) concludes that small states are also in a position to benefit from holding the Council Presidency in terms of impact at the decision-making stage, the findings of this thesis show that holding the Council Presidency has rather prevented the EU-8 from having impact at the decision-making stage as a consequence of the neutrality constraint. The Hungarian Council Presidency did not succeed in steering the discussions within COREPER towards a faster adoption of economic and/or financial sanctions against the Belarusian leadership in early 2011 despite its preference for such measures.

The findings of this thesis partially confirm Bunse's conclusion that close cooperation with the Commission can increase a small state's impact, in particular when at the same time holding the Council Presidency (2009: 60). However, as demonstrated in this thesis, the positive effects of alliance building with the Commission on a member state's impact on EU foreign policy are limited to the agenda-setting stage. At the decision-making stage alliance building with the Commission can have a positive effect on small states' impact as demonstrated in the BEMIP case or in the case of the different ODA targets but does not need to as shown in the case of securing a clear membership perspective for some Eastern ENP countries, striving for more coordination in the EU's external energy policy or the IGA decision.

The findings of this thesis confirm the assumption that small EU member states try to have impact on those issues of EU foreign policy where they have

strong interests (Thorhallsson/Wivel 2006: 659). As the analysis carried out in this thesis has shown, the Baltic States have a strong interest in a clear commitment to a deadline for the elimination of energy islands. Therefore they put significant efforts into making sure that the EU's energy security policy takes account of the special status of energy islands. In areas where they do not have strong interests or preferences, such as EC/EU development policy, the EU-8 was rather reactive. Some of the EU-8 refrained from stronger lobbying on issues to which they were less committed such as Latvia and Estonia on the provision concerning the *ex-ante* mandatory compatibility assessment to be included in the IGA decision.

The findings of the thesis do not fully support the assumption that 'arguments matter' for a small state to have impact on EU foreign policy. Arguments matter at the agenda-setting stage as demonstrated by the case studies on the external dimension of EU energy security, the implementation of the 'more for more' approach in the new ENI regulation, the IGA decision and the Council's decisions to impose sanctions against Belarus. But at the decision-making stage they only matter as long as they do not go against the preferences of the 'Big Three'. This is demonstrated by the different ODA targets for the EU-8, the EU-8's exemption from the regional focus of EU aid on Africa, the BEMIP initiative or the North-South energy interconnections in Central-Eastern Europe. As soon as they are not compatible with the preferences of the large EU member states, arguments presented by small states recede into the background. This has been shown in the case studies on the IGA decision, the sanctions against Belarus and the promotion of more coordination in the EU's external energy policy.

To summarize it is first size and then arguments that matter in EU foreign policy-making, depending also on the stage of the policy-making process. Moreover, coalitions do not always follow the division between 'new' and 'old' member states but are also 'issue-specific' (Bunse/Nicolaïdis 2012: 249).

The findings of this thesis with regard to the relevance of the different sources (material, institutional and ideational) to (new) member states' impact on EU policy outcomes have also significance for the findings of studies analysing member states' impact on policy outcomes in other regional or international organisations such as the Council of Europe, NATO, the IMF, the OSCE, the International Energy Agency (IEA) and various UN agencies and

bodies (see, also, Panke 2012b: 323). The three different sources of member states' impact assessed in this thesis are comparable to those accounting for member states' impact in almost all other organisations which are based on unanimity and/or weighted voting systems and encompass large and small states. They basically reflect the dynamics characterising almost all international negotiations (see, also, Panke 2012b: 314). Drahos, who examines what accounts for member states' impact on policy-making within the WTO comes to the conclusion that 'Bargaining power rather than numerical superiority is the key to victory in negotiating consensus at the WTO' (2003: 86). Comparable to the findings of this thesis, he argues that small and/or weak member states when trying to build a coalition need to include large, key players if they do not want fail (*ibid.*: 85). Moreover, as supported by the findings of this thesis he states that small countries are better advised not to oppose large and/or strong countries' consensus and 'refrain from dissent' with them due to the expected high costs (Drahos 2003: 86).

A further interesting aspect of these thesis' findings concerns the question under which conditions a group of states succeeds in having impact on a policy outcome either in the EU or other international or regional organisations. As demonstrated in this thesis internal unity among the CEECs and the extent of their cooperation varied according to the different areas of EU foreign policy and the individual initiatives. Their chance of having impact and convincing large countries to become their coalition partners decreased when they were internally divided as in the discussions on the operationalisation of the European Transition Compendium or the establishment of the information exchange mechanism on intergovernmental energy agreements. But even in cases where the EU-8 countries were more or less united and formed one group, they only managed to have impact if their initiatives were compatible with large member states' preferences.

Drahos identifies several conditions for a group's success in having impact and for the extent of their internal cooperation. One of the latter is trust among the relevant countries (2003: 100). As demonstrated in this thesis trust among the CEECs depended on the different areas of EU foreign policy but was in general higher in those areas where the CEECs have no strong national interests, limited expertise and material sources such as development cooperation. In areas where they could draw on significant regional expertise

and have strong national interests such as the Eastern dimension of ENP, they rather acted as competitors than partners trying to outdo each other. Other factors accounting for a group's impact according to Drahos refer to leadership, a division of labour among the group members, convincing arguments based on successful expertise as well as a limitation of the group to few aspects of the outcome (2003: 92). The thesis' findings partly confirm these assumptions as outlined already above. As could be seen in the discussions on the ETC, initiatives by the CEECs were more likely to get stuck or fail if they were not backed by a leader. In cases where a country from Central and Eastern Europe assumed a leadership role such as Poland on the imposition of harsher sanctions against the Belarusian regime, the CEECs were more likely to have impact. However, as several of the in-depth case studies have demonstrated leadership alone cannot account for the CEECs' impact.

4. Evaluation and implications of the methodological approach and the conceptual framework

Identifying and evaluating impact 'is a difficult task' (Dür 2008: 562). In methodological terms, the thesis has drawn on a combination of process-tracing and structured, focused comparisons in the form of in-depth case studies based on information gathered within the framework of semi-structured interviews.¹⁰⁹

This methodological approach had some advantages but also disadvantages. On the one hand it enabled me to reconstruct most negotiation processes in a very detailed way. Moreover, by structuring the in-depth case studies in the same way it was possible to compare their findings. However, the possibilities for process-tracing varied from case study to case study. Process-tracing was suitable for reconstructing recent negotiation processes but turned out to be difficult if related to initiatives that were launched several years ago. Many interviewees either did not remember the details of the negotiation process anymore or have changed their positions and were not available for an interview anymore.

In addition, process-tracing requires a significant amount of information to which getting access was challenging. Many relevant documents such as position papers, cables or minutes of Council meetings are confidential and not

¹⁰⁹ For a similar research framework, see Roth 2011: 231.

generally publicly available. In several cases interviewees agreed to share them. In other cases the analysis could mostly and almost exclusively draw on the information gathered within the framework of interviews which posed the risk that the received information reflected not only facts but also to a certain extent the perception of the individual interviewees (for similar problems, see also Roth 2011: 231). However, by triangulating the information this risk could be minimised. Despite process-tracing it was not always possible to isolate the CEECs' impact from that of the EU-15 and attribute a particular policy outcome to them alone due to overlapping preferences (also *ibid.*). In addition, despite the significant amount of information in several cases an assessment of what accounted for impact was difficult to determine as both material and ideational factors were relevant and the transition from the agenda-setting to the decision-making stage was seamless. Due to the extensive amount of information one had to ensure that the 'big picture' as argued by Checkel did not get lost (2005: 19).

The thesis covered a relatively long period of time. Focusing on a period of nine years was on the one hand beneficial to the extent that several initiatives could be traced along the complete policy-making process, from the early ideas over the agenda-setting stage to the decision-making stage. Moreover, the assessment of their impact attempts within this relatively long period of time allowed for drawing more general long-term conclusions about the CEECs' impact. In areas where the CEECs were initially rather passive such as EC/EU development cooperation they have become more active and their impact attempts have increased. Moreover, in general it could be observed that since their accession their chances for having defensive impact have gradually diminished. On the other hand, it was sometimes difficult to keep pace with the developments in all three areas of EU foreign policy simultaneously. In order to be informed about recent developments in the individual policy areas, several interviewees were met on a regular basis.

In conceptual terms the thesis has drawn on a detailed and comprehensive framework differentiating between three aspects of policy substance, three categories of impact and two different stages at which member states can have impact including the agenda-setting and the decision-making stage. These categorisations proved to be useful to the extent that they allowed for a more accurate and detailed determination and evaluation of the CEECs'

impact. However, they represent pure types of the different categories (defensive, divisive, and innovative impact; regional focus, policy objectives and policy instruments) which in several cases could not be found in this clear-cut form in practice.

The differentiation between defensive, divisive and innovative impact represents a case in point. Several initiatives such as the negotiations on the new ENI regulation included both divisive and innovative aspects of impact. Several initiatives such as the negotiations on the imposition of harsher sanctions against the Belarusian regime touched on both policy objectives and policy instruments, depending on the focus of the analysis. The distinction between the CEECs' impact at the agenda-setting and decision-making stage was necessary but in cases of seamless transition difficult to observe. Moreover, initiatives such as the European Transition Compendium came to an end already at the agenda-setting stage. The findings were for this reason only to a limited extent comparable to the findings drawn from the other in-depth case studies.

In general, however, this conceptual framework turned out to be beneficial and can be applied to different contexts and other (EU) member states.

Due to its differentiation between impact at the agenda-setting stage and at the decision-making stage, the framework is particularly suited for the identification and evaluation of the Council Presidency's impact on the substance of various EU policies.

The framework could also be of added value for researchers who work on the effects of European integration on member states' domestic policies. It could be well used within the framework of the Europeanisation concept in order to grasp and systemise the implications of European integration on member states' policies in various areas such as environment or development cooperation.

The conceptual framework is not limited to the analysis of EU member states' impact within the EU context. It could also be used by scholars who study the impact of other countries on policy outcomes negotiated in other regional or international organisations such as NATO, the OSCE and the UN as outlined above.

5. Outlook

The EU-8's impact on the EU's foreign policy will likely to remain small and limited to the role of 'junior partners' of large EU-15 countries in the foreseeable future with the possible exception of Poland (see also Copeland 2014: 483).

While it can be assumed that the EU-8 will try to play a more active role in EU foreign policy-making and use institutional opportunities such as holding the Council Presidency in order to increase their impact at the agenda-setting stage, it is unlikely that they will succeed in shaping policy outcomes according to their preferences at the decision-making stage against the opposition from large EU-15 countries. As Copeland argues, 'the small size of the new member states is likely to limit their overall future impact on EU negotiations' (2014: 483).

Moreover it can be expected that the EU-8's chances for having defensive impact on the EU's foreign policy will likely decrease in the future. As can be seen from their significantly higher contribution shares to the 11th EDF compared to their contribution shares to the 10th EDF¹¹⁰, the CEECs increasingly fail to preserve the exemptions and concessions they managed to negotiate in the early years of their EU membership concerning, for example, lower ODA targets and lower contribution shares to the EDF. Consequently the kind of impact they will have on the EU's foreign policy is likely to change from defensive to divisive or innovative.

¹¹⁰ For the CEECs' different contribution shares to the 10th and 11th EDF in comparison to their budget contribution shares, see Council 2006a: 34; Council 2013c: 2-3; European Parliament 2011: 19 and 2014: 17. On the negotiations, see Commission 2005f: 33 and Frederiksen 2006: 2.

Appendix

Table 1: EU-8 ODA flows and ODA/GNI ratios, 2004 to 2013 (in EUR million)

		2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Czech Republic	ODA	87	109	128	131	173	154	172	180	171	160
	ODA/GNI ratio	0.11	0.11	0.12	0.11	0.12	0.12	0.13	0.12	0.12	0.11
Estonia	ODA	4	8	11	12	15	13	14	17	18	23
	ODA/GNI ratio	0.05	0.08	0.09	0.08	0.10	0.10	0.10	0.11	0.11	0.13
Hungary	ODA	56	81	119	76	74	84	86	100	92	91
	ODA/GNI ratio	0.07	0.11	0.13	0.08	0.08	0.10	0.09	0.11	0.10	0.10
Latvia	ODA	7	9	9	12	15	15	12	14	16	18
	ODA/GNI ratio	0.06	0.07	0.06	0.06	0.07	0.08	0.06	0.07	0.08	0.08
Lithuania	ODA	7	12	20	35	33	26	28	37	40	39
	ODA/GNI ratio	0.04	0.06	0.08	0.11	0.11	0.11	0.10	0.13	0.13	0.12
Poland	ODA	95	165	239	265	258	269	285	300	328	357
	ODA/GNI ratio	0.05	0.07	0.09	0.10	0.08	0.09	0.08	0.08	0.09	0.10
Slovak Republic	ODA	23	46	44	49	64	54	56	62	62	64
	ODA/GNI ratio	0.07	0.12	0.10	0.09	0.10	0.09	0.09	0.09	0.09	0.09
Slovenia	ODA	25	28	35	40	47	51	44	45	45	45
	ODA/GNI ratio	0.10	0.11	0.12	0.12	0.13	0.15	0.13	0.13	0.13	0.13
EU-8 total ODA (in EUR million)		304	458	605	620	679	666	697	755	772	797
EU-8 average ODA/GNI ratio		0.07	0.09	0.10	0.09	0.10	0.11	0.10	0.11	0.11	0.11

Source: Commission 2014c: 3. Own calculations for total EU-8 ODA and average EU-8 ODA/GNI ratio.

Table 2: Main recipients of CEECs' (bilateral) development aid

	Privileged countries (in bilateral development cooperation)				
	Regions				
EU member states	Europe and Central Asia	South Asia	East Asia and Pacific	Middle East and North Africa	Sub-Saharan Africa
Poland	Belarus, Georgia, Ukraine, Kazakhstan, Moldova, Bosnia & Herzegovina	Afghanistan	China, Vietnam, Korea	Syria	Kenya, Mali, Ethiopia
Czech Republic	Georgia, Ukraine, Bosnia & Herzegovina, Serbia, Kosovo, Moldova	Afghanistan	Mongolia, Vietnam, Cambodia	West Bank & Gaza, Syria,	Angola, Ethiopia

				Libya	
Hungary	Serbia, Ukraine, Kosovo, Turkey	Afghanistan, India	China	Iran, Egypt	Ethiopia, Nigeria
Slovakia	Ukraine, Georgia, Moldova, Belarus, Bosnia & Herzegovina, Montenegro	Afghanistan	-	West Bank & Gaza	South Sudan, Kenya
Slovenia	Kosovo, Serbia, Bosnia & Herzegovina, Macedonia, Montenegro, Croatia, Albania	Afghanistan	-	West Bank & Gaza	Cape Verde
Latvia	Moldova, Georgia, Ukraine, Belarus	Afghanistan, Uzbekistan	-	Syria	-
Lithuania	Azerbaijan, Belarus, Georgia, Moldova, Ukraine	Afghanistan	-	-	-
Estonia	Moldova, Georgia, Ukraine, Turkey, Belarus, Kosovo	Afghanistan	-	Syria, West Bank & Gaza	Niger, Somalia

Source: Data on the DAC-donors except Slovenia retrieved from <<http://www.oecd.org/dac/stats/aid-at-a-glance.htm>> [Last access 29.07.2014]. Data on the non-DAC donors based on the highest shares allocated to a recipient in the respective region in 2012 (million USD, constant prices) retrieved from <<http://stats.oecd.org/qwids/>> [Last access 29.07.2014]. Data on Slovenia retrieved from OECD-DAC 2012: 3.

Table 3: EU member states' ODA to LDCs as share of their total net disbursements to developing countries from 2010 to 2012 (in %)

	2010	2011	2012		2010	2011	2012
EU-15				EU-8			
Austria	39.47%	27.16%	22.09%	Czech Republic	31.40%	25.00%	26.90%
Belgium	50.09%	38.63%	30.43%	Estonia	35.71%	23.53%	33.33%
Denmark	40.08%	38.09%	37.28%	Hungary	36.05%	23.00%	21.74%
Finland	38.17%	33.73%	33.69%	Latvia	00.00%	00.00%	25.00%
France	29.26%	28.24%	21.06%	Lithuania	57.14%	45.95%	47.50%
Germany	28.87%	26.46%	28.42%	Poland	28.77%	21.33%	18.29%
Greece	20.89%	15.74%	15.29%	Slovak Republic	28.57%	19.35%	19.35%
Ireland	56.21%	52.82%	51.67%	Slovenia	25.00%	20.00%	17.78%
Italy	40.63%	35.78%	25.79%	Other EU member states			
Luxembourg	40.79%	38.10%	36.45%	Bulgaria	-	34.29%	22.58%
Netherlands	29.88%	23.27%	21.11%	Cyprus	20.51%	18.52%	15.00%
Portugal	44.08%	48.53%	30.53%	Malta	-	-	7.14%
Spain	27.14%	25.76%	23.72%	Romania	27.91%	20.34%	17.12%
Sweden	34.88%	36.20%	29.43%				
UK	39.37%	40.83%	33.23%				
EU-15 average	37.32%	33.96%	29.34%	EU-8 average	30.33%	22.27%	26.24%

Source: Own calculations based on data retrieved from Commission 2014c: 2-3. No data available for Croatia. For the numbers for the EU-15 see also OECD-DAC

Table 4: ENPI allocations to the EU's Southern and Eastern neighbours, 2007 to 2013

Country	Allocations 2007-2010 (Indicative) (EUR million)	Annual per capita average 2007-2010 (EUR)	Allocations 2011-2013 (Indicative) (EUR million)	Annual per capita average (2011-2013) (EUR)
Southern neighbourhood countries				
Algeria	220.00	1.69	172.00	1.66
Egypt	558.00	1.97	449.30	1.98
Israel	8.00	0.29	6.00	0.27
Jordan	265.00	12.27	223.00	12.59
Lebanon	187.00	13.36	150.00	12.20
Libya**	18.00	0.76	60.00	3.28
Morocco	654.00	5.47	580.50	6.34
Syria	130.00	1.75	129.00	2.07
Tunisia	300.00	7.50	***240.00	7.77
ENPI South	2340.00		2009.80	
ENPI South regional	343.30		288.00	
Eastern neighbourhood countries				
Armenia	98.40	7.69	157.30	17.48
Azerbaijan	92.00	2.77	122.50	4.75
Belarus*	46.07	0.94	56.69	2.99
Georgia	120.40	7.00	180.29	13.66
Republic of Moldova	209.70	15.42	273.14	26.79
Ukraine	494.00	2.62	470.05	3.38
ENPI East	1060.57		1259.97	
ENPI East regional	223.50		348.57 (without EaP)	

Source: Own compilation based on ENPI National Indicative Programmes for the period 2007 to 2010 and 2011 to 2013. Annual per capita average, own calculations based on data included in the National Indicative Programmes. There is no NIP for the Occupied Palestinian Territory.

* The initial NIP 2007-2010 for Belarus was extended by one year till 2011.

** For Libya, there was no NIP for the period 2007-2010. However, it benefitted from a total of EUR 8 million under ENPI within the framework of the Benghazi Action Plan (BAP) on HIV/AIDS. Moreover, in 2010, an additional EUR 10 million was allocated to the cooperation on migration in Libya. Both funds were committed as 'special measures' (Commission 2012c: 55).

*** This amount does not include the additional funds of EUR 150 million which will be made available to Tunisia for the period 2011 to 2013.

Table 5: Overview of the EU member states' positions on a possible membership perspective for Eastern ENP partners

EU member state	Membership perspective for the Eastern ENP countries
EU-15 countries	
Austria	no-open
Belgium	no
Denmark	no-open

Finland	yes (possibly Ukraine)
France	no
Germany	no
Greece	no
Ireland	no
Italy	no
Luxembourg	no
Netherlands	no
Portugal	no
Spain	no
Sweden	yes (possibly Ukraine, Moldova, Georgia)
UK	open (possibly Ukraine)
EU-8 countries	
Czech Republic	yes (possibly Ukraine, Moldova, Georgia)
Estonia	yes (possibly Ukraine, Moldova, Georgia)
Hungary	yes (possibly Ukraine, Moldova, Georgia)
Latvia	yes (possibly Ukraine, Moldova, Georgia)
Lithuania	yes (possibly Ukraine, Moldova, Georgia)
Poland	yes (possibly Ukraine, Moldova, Georgia)
Slovakia	yes (possibly Ukraine, Moldova, Georgia)
Slovenia	open
Other EU member states	
Bulgaria	yes (for Ukraine, Moldova, Georgia)
Cyprus	no data
Malta	no
Romania	yes (for Ukraine, Moldova, Georgia)

Source: Own compilation based on data retrieved from Lippert 2007b: 8 as well as on member states' positions as outlined in Confidential-OMS_11 and Confidential-EU_10.

Table 6: Visa applications in the Eastern neighbourhood countries as share of total A, B, C visa applications before and after the Schengen enlargement

EU member state	Number of A, B, C visa applications received by EU member states in Eastern ENP countries as share of their total A,B,C visa applications received (in %)					
	2006	2007	2008	2009	2010	2011
Selected* EU-15 countries						
Austria	No data	No data	No data	8.61	9.81	11.26
Belgium	3.84	3.80	4.86	3.78	3.96	3.89
Denmark	5.20	7.58	7.01	6.66	6.75	7.19
Finland	2.08	1.76	1.53	1.39	1.16	1.03
France	3.71	4.34	5.28	5.12	4.18	4.12
Germany	13.25	13.78	12.82	13.78	12.52	13.20
Greece	7.18	7.72	7.41	7.21	9.93	9.99
Italy	8.03	8.45	7.56	8.26	6.74	6.96
Netherlands	7.17	8.67	9.48	8.14	7.65	7.66
Portugal	2.59	3.29	3.85	3.82	3.89	4.94
Spain	4.52	3.63	2.93	2.32	2.77	3.72
Sweden	5.47	5.96	5.00	6.98	6.57	6.94
EU-8 countries						
Czech Republic	23.20	23.01	23.49	25.86	27.16	24.30
Estonia	10.15	11.90	17.92	18.94	21.87	22.75
Hungary	35.81	35.86	30.37	31.86	49.46	52.57
Latvia	29.08	33.28	30.38	30.92	27.81	27.44

Lithuania	42.62	45.77	41.10	46.18	46.79	50.95
Poland	72.90	76.96	63.47	69.25	68.01	69.74
Slovak Republic	48.18	52.73	45.37	41.06	52.71	63.26
Slovenia	6.27	6.49	6.66	4.71	9.57	21.08

Sources: Own calculations based on the information included in the visa statistics of 2010 and 2011 provided by the European Commission under <http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/visa-policy/index_en.htm> [Access 12.12.2012] and the reports on visa statistics by the Council's General Secretariat for the period 2007 to 2010 (Council 2007b; Council 2008e; Council 2009f and Council 2010d).

*No data available for Luxembourg, Ireland and UK. UK and Ireland are not members of Schengen.

'A' visas refer to airport transit visas and authorise the holder to enter the transit area of an airport in a Schengen member state without entering its territory.

'B' visas refer to transit visa for the purpose of travelling through the territories of Schengen member states. This category was added to the short time visa with the introduction of the EU Visa Code in September 2009.

'C' visas include short terms visas authorising the holder to stay in all Schengen member states for a period of 90 in 180 days (for the definitions see Commission 2011r).

Table 7: The visa refusal rates in the EU-8 towards the Eastern ENP countries and their annual changes (in %)

	2006	2007	2008	2009	2010	2011
EU-8 countries						
Czech Republic	4.38	5.21	4.76	5.16	6.59	5.99
Annual change %		+18.95	-8.64	+8.40	+27.71	-8.69
Estonia	2.23	2.86	5.13	5.69	7.39	4.04
Annual change %		+28.25	+79.37	+10.92	+29.88	-45.33
Hungary	1.09	1.78	2.61	2.38	2.34	2.41
Annual change %		+63.30	+46.63	-8.81	-1.68	+2.99
Latvia	3.86	3.33	8.84	6.33	5.55	5.36
Annual change %		-13.73	+165.47	-28.39	-12.32	-3.42
Lithuania	0.47	0.85	1.98	1.49	1.40	1.22
Annual change %		+80.85	+132.94	-24.75	-6.04	-12.86
Poland	1.02	1.32	3.18	2.88	2.43	1.67
Annual change %		+29.41	+140.91	-9.43	-15.63	-31.28
Slovak Republic	0.90	2.31	4.25	1.90	1.22	1.10
Annual change %		+156.67	+83.98	-55.29	-35.79	-9.84
Slovenia	3.41	5.27	7.07	4.24	2.41	0.68
Annual change %		+54.55	+34.16	-40.03	-43.16	-71.78

Sources: Own calculations based on the information included in the visa statistics of 2010 and 2011 provided by the European Commission under <http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/visa-policy/index_en.htm> [Access 12.12.2012] and the reports on visa statistics by the Council's General Secretariat for the period 2007 to 2010 (Council 2007b; Council 2008e; Council 2009f and Council 2010d).

Table 8: Member states' trade with the Eastern ENP partners as share of their total exports and imports (%) from 2002 to 2011

	2002		2004		2006		2008		2010		2011	
	Ex-ports	Im-ports										
EU-15 countries												
Austria	0.46	0.39	0.55	0.41	0.90	0.41	0.89	0.44	0.95	0.62	0.91	0.57
Belgium	0.22	0.14	0.24	0.18	0.28	0.15	0.32	0.16	0.25	0.14	0.27	0.17
Denmark	0.30	0.14	0.35	0.23	0.38	0.29	0.41	0.31	0.36	0.23	0.37	0.22
Finland	0.50	0.09	0.67	0.16	1.14	0.13	1.39	0.34	0.95	0.15	0.93	0.36
France	0.21	0.14	0.27	0.19	0.28	0.35	0.41	0.57	0.28	0.39	0.31	0.74
Germany	0.55	0.29	0.61	0.30	0.84	0.34	0.98	0.50	0.81	0.41	0.84	0.44
Greece	1.19	1.22	0.78	0.58	0.81	0.65	0.88	0.94	0.80	0.52	1.12	1.03
Ireland	0.04	0.01	0.04	0.02	0.05	0.02	0.06	0.02	0.05	0.01	0.09	0.02
Italy	0.45	0.86	0.57	0.88	0.74	1.35	0.97	1.89	0.67	2.09	0.78	2.83
Luxembourg	0.20	0.05	0.17	0.05	0.27	0.16	0.11	0.05	0.60	0.01	0.81	0.02
Netherlands	0.23	0.13	0.30	0.16	0.41	0.18	0.43	0.32	0.34	0.16	0.35	0.20
Portugal	0.07	0.18	0.10	0.23	0.08	0.27	0.11	0.22	0.09	0.66	0.09	0.79
Spain	0.13	0.48	0.16	0.29	0.21	0.25	0.30	0.71	0.22	0.36	0.26	0.43
Sweden	0.28	0.05	0.43	0.06	0.55	0.16	0.53	0.19	0.29	0.13	0.33	0.28
UK	0.16	0.09	0.32	0.09	0.38	0.37	0.40	0.17	0.37	0.13	0.35	0.10
EU-8												
Czech Republic	0.78	1.25	0.93	1.41	1.28	1.81	1.45	1.95	1.10	1.85	1.27	2.15
Estonia	3.50	2.20	2.00	2.57	2.20	2.22	2.48	3.99	2.10	1.73	1.90	1.56
Hungary	0.93	1.42	1.32	1.36	2.11	1.29	2.48	1.45	2.50	1.07	2.50	1.41
Latvia	3.44	4.21	4.12	7.50	4.52	5.83	4.12	4.72	3.84	4.60	3.37	4.84
Lithuania	6.02	3.26	5.79	3.57	6.61	3.22	8.05	3.18	9.34	2.74	8.84	3.51
Poland	3.72	1.32	3.72	2.01	4.72	1.91	4.90	1.88	3.74	1.55	3.72	2.05
Slovakia	1.29	1.25	1.12	1.69	1.59	1.50	1.69	1.30	1.01	1.08	1.08	1.34
Slovenia	1.12	0.45	1.04	0.20	1.19	0.20	1.36	0.36	1.24	0.07	1.29	0.15
Other EU member states												
Bulgaria	2.41	3.28	1.96	4.58	1.88	4.20	2.66	8.91	2.96	5.20	3.19	5.00
Croatia	0.29	0.31	0.27	0.58	0.50	0.59	0.65	0.79	0.72	2.59	0.62	3.99
Cyprus	0.76	1.54	0.50	2.18	0.64	2.21	1.05	2.60	1.08	1.94	0.90	1.63
Malta	0.00	0.12	0.01	0.17	0.02	0.16	0.03	0.25	0.02	0.31	0.02	0.46
Romania	1.31	2.44	1.61	3.71	3.31	1.98	4.71	1.72	3.16	1.76	3.63	2.17
EU-15 average	0.33	0.28	0.37	0.26	0.49	0.34	0.55	0.46	0.47	0.40	0.52	0.55
EU-8 average	2.60	1.92	2.51	2.54	3.03	2.25	3.32	2.35	3.11	1.84	3.00	2.13

Source: Own calculations based on data compiled by the IMF in its Direction of Trade Statistics Yearbook 2009 and 2012 (IMF 2009 and 2012).

Table 9: Ratio of total length of pipelines (km) in EU member states to area (km²)

	Total length of pipelines (km)	Ratio length of pipelines (km) to area (km ²)		Total length of pipelines (km)	Ratio length of pipelines (km) to area (km ²)
EU-15 countries			EU-8 countries		
Austria	42 900	0.5115	Czech Republic	77 419	0.9817
Belgium	73 744	2.4156	Estonia	2 870	0.0638
Denmark	17 924	0.4159	Hungary	90 784	0.3013

Finland	3 229	0.0096	Latvia	6 110	0.0940
France	231 627	0.4211	Lithuania	10 100	0.1554
Germany	477 000	1.3367	Poland	184 130	0.5889
Greece	6 930	0.0525	Slovakia	35 349	0.7237
Ireland	13 309	0.1901	Slovenia	4 925	0.2429
Italy	286 681	0.9516	Other EU member states		
Luxembourg	3 034	1.1732	Bulgaria	6 737	0.0602
Netherlands	135 229	3.2564	Croatia	21 055	0.3720
Portugal	17 333	0.1883	Cyprus	N/A	N/A
Spain	80 097	0.1587	Malta	N/A	N/A
Sweden	3 220	0.0072	Romania	53 666	0.2260
UK	285 600	1.1666			
EU-15 average		0.8059	EU-8 average		0.3940

Source: Own calculations based on data retrieved from Eurogas 2013: 8 and from <http://europa.eu/about-eu/countries/index_en.htm> [Access 20.01.2014].

Table 10: Gas storage facilities in EU member states in 2013

	Number of storage facilities	Max. working volume*	Max. withdrawal capacity**		Number of storage facilities	Max. working volume*	Max. withdrawal capacity**
EU-15 countries				EU-8 countries			
Austria	7	7 451	85.1	Czech Republic	8	3 487	57.3
Belgium	2	928	57.0	Estonia	0	0	0.
Denmark	2	1035	25.2	Hungary	5	6 130	80.0
Finland	0	0	0	Latvia	1	2 325	30.0
France	16	15 487	212.0	Lithuania	0	0	0.0
Germany	50	22 672	626.0	Poland	8	2 048	36.6
Greece	0	0	0	Slovakia	1	2 940	43.0
Ireland	1	230	2.7	Slovenia	0	0	0.0
Italy	10	15 620	274.6	Other EU member states			
Luxembourg	0	0	0.0	Bulgaria	1	550	4.2
Netherlands	5	5 078	177.0	Croatia	1	553	5.8
Portugal	3	181	7.1	Cyprus	0	0	0.0
Spain	4	2 443	12.8	Malta	0	0	0.0
Sweden	1	9	0.9	Romania	8	3 100	30.3
UK	8	4 330	154.0				
EU-15 average	7	5 031	109.0	EU-8 average	3	2 116	30.9

* Million cubic metres

** Million cubic metres per day.

Source: Eurogas 2013: 8.

Glossary

AAs	Association Agreements
ACP	African, Caribbean and Pacific states
AFET	Committee on Foreign Affairs within the European Parliament
APs	Action Plans
B3	Latvia, Lithuania and Estonia
BEMIP	Baltic Energy Market Interconnection Plan
CEEC(s)	Central and Eastern European Country(ies)
CEF	Connecting Europe Facility
CFSP	Common Foreign and Security Policy
CMEA/	
COMECON	Council for Mutual Economic Assistance
CODEV	Council Working Group on Development Co-operation
COEST	Council Working Group on Eastern Europe and Central Asia
COREPER	Committee of Permanent Representatives
DAC	Development Assistance Committee
DCD-DAC	Development Co-Operation Directorate (OECD)
DCFTAs	Agreements on the establishment of a Deep and Comprehensive Free Trade Area
DCI	Development Co-operation Instrument
DEVE	Committee on Development within the European Parliament
DG DevCo	Directorate-General for Development and Cooperation
DG RELEX	Directorate-General for External Relations
EaP	Eastern Partnership
EaPIC	Eastern Partnership Integration and Co-operation Programme
EC	European Community
ECHO	EU Humanitarian Aid and Civil Protection Department
ECJ	European Court of Justice
ECoD	European Consensus on Development
ECSC	European Coal and Steel Community

ECT	Energy Charter Treaty
EDF	European Development Fund
EEAS	European External Action Service
EEC	European Economic Community
EED	European Endowment for Democracy
EEPR	European Energy Programme for Recovery
EFP	European foreign policy
EIDHR	European Instrument for Democracy and Human Rights
EIB	European Investment Bank
ENI	European Neighbourhood Instrument
ENP	European Neighbourhood Policy
ENPI	European Neighbourhood and Partnership Instrument
EP	European Parliament
EPD	European Partnership for Democracy
ETC	European Transition Compendium
EU-10	Poland, Czech Republic, Hungary, Slovak Republic, Slovenia, Latvia, Lithuania, Estonia, Bulgaria and Romania
EU-12	Poland, Bulgaria, Czech Republic, Hungary, Slovak Republic, Slovenia, Latvia, Lithuania, Estonia, Bulgaria, Romania, Cyprus and Malta
EU-15	Those EU member states which acceded to the EU before 2004
EU-8	Poland, Czech Republic, Hungary, Slovak Republic, Slovenia, Latvia, Lithuania and Estonia
FAC	Foreign Affairs Council
GAC	General Affairs Council
GAERC	General Affairs and External Relations Council
GDP	Gross Domestic Product
GNP	Gross National Product
GSP	Generalised System of Preferences
HLE	High Level Event
HLG	High Level Group
IAEA	International Atomic Energy Agency
IEA	International Energy Agency
IEF	International Energy Forum

IfS	Instrument for Stability
IGAs	Intergovernmental energy agreements
IMF	International Monetary Fund
IPA	Instrument for Pre-Accession Assistance
IPEEC	International Partnership for Energy Efficiency
IR	International Relations
IRENA	International Renewable Energy Agency
ITGI	Interconnector Turkey-Greece-Italy
ITRE	Industry, Research and Energy-Committee within the European Parliament
LDCs	Least Developed Countries
LICs	Low-Income Countries
LMICs	Lower-Middle-Income Countries
LNG	Liquefied natural gas
MAMA/COMAG	Council Working Party on Mashreq and Maghreb
MDGs	Millennium Development Goals
MEDA	Funding instrument of the Euro-Mediterranean Partnership
MFA	Ministry of Foreign Affairs
MICs	Middle-Income Countries
MoU	Memorandum of Understanding
NMS	'New' member state(s) (those which acceded to the EU in 2004 or later)
NTC	Libya's National Transitional Council
OCTs	Overseas Countries and Territories
ODA	Official Development Assistance
OECD	The Organisation for Economic Co-operation and Development
OMS	'Old' EU member states (those which acceded to the EU before 2004)
PCA	Partnership and Cooperation Agreement
PCI	Projects of Common Interest
PGA	Partial General Approach
QMV	Qualified Majority Voting
SOS	Security of Supply Regulation
SPRING	Support for Partnership, Reforms, and Inclusive Growth

TACIS	Technical Assistance to the Commonwealth of Independent States
TAIEX	Technical Assistance and Information Exchange
TANAP	Trans-Anatolian Gas Pipeline
TAP	Trans Adriatic Pipeline
TEC	Treaty Establishing the European Community
TEN-E	Trans-European Energy Networks
TEU	Treaty on the European Union
TFEU	Treaty on the Functioning of the European Union
TTE	Transport, Telecommunications and Energy Council
UfM	Union for Mediterranean
UMICs	Upper-Middle-Income Countries
UPB	Union of Poles in Belarus
USD	US Dollar
USSR	Union of Soviet Socialist Republics
V4	Visegrád Countries
WPENER	Council Working Party on Energy
WTO	World Trade Organisation

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